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Chair: Mr. Kováčik (Vice-Chair) (Slovakia)**Contents**

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In the absence of Mr. Saikal (Afghanistan), Mr. Kováčik (Slovakia), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 71: Rights of indigenous peoples

(a) Rights of indigenous peoples (A/73/137 and A/73/176)

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

1. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples), introducing her report to the General Assembly (A/73/176), said that self-governance by indigenous peoples and the role of their own institutions must be protected and promoted in order to address the challenges they faced across the world. Numerous examples existed of indigenous self-governance systems agreed formally with States and recognized in their constitutions, legislation and policies.

2. Centuries-old systems regulated indigenous peoples' relationships with each other and their neighbours as well as with nature and the surrounding ecosystems. Predating colonization and the emergence of post-colonial nation-States, those systems included not only customary, oral and written laws but also dispute resolution and adjudication mechanisms that continued to operate in many indigenous communities. They embedded indigenous peoples' traditional world views, values, norms, laws and their concepts of authority and leadership. In recent decades, contemporary forms of institutions, including indigenous parliaments, councils and organizations, had also been developed, often in cooperation with States. The diversity of indigenous governance systems reflected the diverse cultures, histories and realities of indigenous peoples.

3. Many traditional indigenous governance systems had proven to be better than external actors at ensuring the well-being, peace, security and rights of indigenous peoples. For example, indigenous institutions played an important role in conflict prevention and dispute resolution. Traditional justice models effectively solved conflicts and provided access to justice in ways that respected both cultural diversity and human rights norms.

4. Indigenous self-governing systems also fostered conservation and the maintenance of biodiversity. Indeed, the overlap between the territories of indigenous

peoples and high levels of biodiversity and healthy forests was becoming increasingly evident. Collective ownership and management of resources had been shown to contribute positively to conservation outcomes, such as preventing deforestation and loss of wildlife. Indigenous traditional knowledge and holistic views of community and the environment had also been recognized, notably by the Intergovernmental Panel on Climate Change, as a resource contributing towards climate change mitigation and adaptation efforts.

5. The right of indigenous peoples to govern themselves was well established in international human rights law and jurisprudence. However, in practice, coordination between indigenous and contemporary institutions of the State was challenging; that problem was compounded by the limited financial and human resources available to manage indigenous governance systems properly; the lack of control and ability to self-govern; and the need to ensure that indigenous governance systems were aligned with international human rights standards relating to issues such as gender equality and due process. She hoped that good examples of how such challenges had been tackled by Member States at the national level would be revealed during the ensuing dialogue and might be applicable to other contexts. Self-governance had also been a core concern for the other United Nations mechanisms on the rights of indigenous peoples. In 2019, she looked forward to coordinating with the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to enhance their combined knowledge about the role that indigenous peoples' own governance systems could play.

6. Her report to the thirty-ninth session of the Human Rights Council (A/HRC/39/17) contained an analysis of the worrying escalation of violence, criminalization, harassment and threats against indigenous peoples, particularly when they were defending and exercising rights to their lands, territories and resources. Such human rights violations often arose when indigenous leaders and community members voiced concerns over large-scale projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. Indigenous peoples seemed, once again, to have become prime targets of persecution. The rapidly intensifying competition over natural resources on their traditional lands and territories was driving that violence. Indigenous leaders and communities who objected to the negative impacts of large-scale projects on their rights, livelihoods and the environment were being targeted and killed, forcibly evicted, threatened and subjected to insidious harassment in the form of criminal charges, which were often nebulous, grossly

inflated or fictitious. The aim of such attacks, whether violent or legal, was to silence any opposition by indigenous peoples to business interests and to prevent them from exercising their rights.

7. She had also submitted a report to the thirty-ninth session of the Human Rights Council on the rules of international law relating to the human rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco (A/HRC/39/17/Add.1). Efforts to protect the territories and environment of those peoples must be intensified as a matter of urgency. States needed to develop and implement differentiated policies directed at peoples in initial contact, notably in the area of health, while at the same time refraining from actions that would affect their lands and territories.

8. Since her previous report to the General Assembly (A/72/186), she had conducted two official country visits: to Mexico and Guatemala. Both those countries had supported the advancement of the rights of indigenous peoples in the international arena and had promoted the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the establishment of her mandate. However, at the national level, both countries still faced serious challenges in implementing their commitments.

9. In Mexico, notwithstanding information concerning positive measures in the fields of health and education and in facilitating access to justice for indigenous peoples, she had observed a huge gap between the international commitments and the reality on the ground. Effective and coordinated action at the federal, state and municipal levels was needed to fulfil the rights of indigenous peoples to self-determination and to their lands, territories and resources, their political participation and access to justice. Urgent measures must also be taken to solve the problems of violence and insecurity as well as the poverty, marginalization and discrimination to which they were subject.

10. In Guatemala, indigenous peoples constituted the majority of the population but had never participated on an equal footing with other groups in the political, social, cultural and economic life of the country. She had witnessed the structural racism and discrimination to which they were subject in their daily lives, reflected in the lack of protection of their lands, territories and natural resources and in their difficulties in gaining access to justice, health, education and political participation. In spite of the overall growth in the national economy, inequality was increasing. Around 40 per cent of indigenous peoples in Guatemala still lived

in extreme poverty and more than half of all indigenous children there were chronically malnourished.

11. She was extremely concerned about the rising levels of violence, forced evictions and the criminalization of indigenous peoples in both Mexico and Guatemala. In the latter, she had visited indigenous leaders in prison for defending their lands and was particularly disturbed by the killings of several indigenous leaders during and since her recent visit.

12. She had continued to share information with Governments and other actors concerning allegations of violations of indigenous peoples' rights globally. Since 2017, she had sent 48 communications to 19 States and other entities in relation to violations of a wide range of economic, social and cultural as well as civil and political rights. She looked forward to a constructive dialogue on the right of indigenous peoples to self-governance and how such governance could contribute to achieving sustainable development for all, including for indigenous peoples.

13. **Ms. Fango** (Philippines), expressing concern that large-scale development projects and extractive industries undertaken in different parts of the world were fuelling attacks against indigenous communities, said that the free, prior and informed consent of the indigenous peoples whose lands, territories and natural resources would be affected must be sought. Her country believed that the ancestral domains and all the resources found there served as material bases of the indigenous peoples' cultural integrity. In her country, under the Indigenous Peoples' Rights Act, the State recognized such domains as private community property which belonged to all the generations to come and could not be sold, disposed of or destroyed. The free, prior and informed consent of indigenous communities was required before any plan, programme or activity could be implemented within their ancestral domains. That clearly included the right to reject any such activity.

14. In her country, indigenous self-governance was implemented through mechanisms for the mandatory representation of indigenous peoples. In keeping with their unique customary laws, practices and mechanisms, indigenous communities chose their representatives through selection and not election. The primacy of customary laws in all undertakings involving indigenous peoples was affirmed by existing legislation. The rights of indigenous peoples in the Philippines were taken fully into account in national development plans.

15. **Ms. Buist-Catherwood** (New Zealand) said that her country's electoral system guaranteed Maori representation in Parliament. Thus, indigenous people had an ongoing opportunity to participate in and

influence national decision-making on a range of issues. However, much remained to be done to enhance indigenous self-governance. The representation of Maori in local government had been more difficult to achieve. Greater representation of Maori as elected members of local government was important given their approaches to land and resource management, which had been built into domestic laws in New Zealand. For example, under existing legislation, the Whanganui River, or Te Awa Tupua, was recognized as a legal person with its own rights. Furthermore, a governance and management framework enabled several Whanganui iwi, or tribes, with genealogical connections to the river to participate in collective decision-making on the river's behalf. A bill was also under consideration for the Local Government Act to include the promotion of the social, economic, environmental and cultural well-being of communities.

16. The Government of New Zealand continued to focus on strengthening its relationship with Maori and intended to establish an agency to oversee its future work with that community. The new agency would work alongside the Maori Development Agency and other portfolio agencies to ensure that long-term domestic priorities for advancing indigenous well-being were achieved.

17. She would welcome any examples the Special Rapporteur could provide on how the rights and governance structures of indigenous people were being incorporated into national plans to implement the Sustainable Development Goals. New Zealand, for its part, would be taking into account Maori concepts of well-being and recognized Maori relational structures in the development of its own policies.

18. **Mr. Kashaev** (Russian Federation) said that his delegation was perplexed by the unverified information contained in the Special Rapporteur's report regarding the situation of indigenous peoples in the Russian Federation. His country was a federated State where many Russian ethnic groups had either a long or more recent history of self-governance within ethnic territories or administrative and territorial boundaries. They included four autonomous okrug, named after the indigenous persons that lived there. The constituent instruments of those entities defined the rights and the status of indigenous peoples and established the territory as their homeland. All the essential life issues of those peoples were regulated legislatively. Self-governance was assured through the creation of an indigenous representative assembly and council, as well as other advisory and deliberative bodies. Atypical forms of self-governance, such as local community leaders, were also governed by law. The Russian

Federation had significant experience of fostering local self-governance at the national and municipal levels. Indigenous communities participated in the decision-making process whenever their interests were at stake. Self-governance was also authorized for indigenous minorities, including the Sami people.

19. In preparing her recommendations, the Special Rapporteur should take into account the specifics of countries with a multi-ethnic population and cooperate closely with the States that had authorized her mandate and bore the main responsibility for ensuring the rights of indigenous peoples.

20. **Ms. Nicholas-Mackenzie** (Canada) said that an inclusive approach to decision-making was consistent with the United Nations Declaration on the Rights of Indigenous Peoples. It required work to develop relationships, structures and understandings and was not simply a matter of obtaining approval on a given project. Obtaining free, prior and informed consent implied a process of relationship-building, based on substantive collaborative efforts, and must be underpinned by the recognition of indigenous rights, including the right to self-determination and the right of indigenous peoples to their lands, territories and resources.

21. Canada had conducted quantitative analyses of the impact of indigenous self-government, based on socioeconomic data from the national census. The most recent analysis showed that self-governing First Nations were closing the socioeconomic gap with all Canadians faster than First Nations that had received services under the Indian Act.

22. Inclusive decision-making would benefit everyone. She asked whether the Special Rapporteur had found any common obstacles to the development of indigenous self-governance in her initial engagement with Member States.

23. **Mr. Sandoval Mendiola** (Mexico) said that the Special Rapporteur's visit to his country had been an occasion to reaffirm its commitment to cooperate with the international human rights mechanisms to fulfil its international obligations. His Government was fully prepared to engage in a constructive dialogue that would help to direct its nation's efforts and encourage the adoption of new measures relating to the human rights of indigenous peoples. The observations set forth in the report on her official visit would provide very valuable input for effectively addressing the challenges faced by his country. Given that 2019 would be celebrated as the International Year of Indigenous Languages, he asked the Special Rapporteur, on the basis of her study on governance systems, to comment further on any best

practices identified at the global level regarding the role played by indigenous languages.

24. **Mr. Svendsrud** (Norway), referring to the Special Rapporteur's report to the thirty-ninth session of the Human Rights Council (A/HRC/39/17), said that all Member States should consider adopting a zero-tolerance approach to violence against indigenous human rights defenders. Indigenous peoples had a key role to play in reaching the Sustainable Development Goals, in particular Goal 15. He wondered to what extent increasing attacks on and the criminalization of human rights defenders were a threat to the implementation of the Goals. He also wished to know how indigenous human rights defenders and indigenous peoples' governance institutions were cooperating with human rights organizations at the local and national levels.

25. **Ms. Diedricks** (South Africa) said that her Government had made significant strides in recognizing indigenous and traditional structures of governance. However, the lack of adequate skills, knowledge, resources and competencies made it difficult for traditional and indigenous institutions to contribute effectively to socioeconomic development and form an integral part of the South African governance system. To address that challenge, her Government had sought to develop well-capacitated, self-sustaining institutions through community initiatives and private partnerships. Partnerships for rural development had been forged between different levels of traditional leadership and the private and public sector. In the absence of any coordinated accounting mechanisms for those partnerships, however, the benefit to the communities was limited. Her delegation would appreciate any view or recommendation the Special Rapporteur might have for addressing that challenge.

26. **Mr. Silverman** (United States of America) said that the United States had a Government-to-Government political relationship with 573 federally recognized tribes in the country and considered tribal leaders' concerns when formulating broader policy objectives. His Government was committed to improving the lives of indigenous peoples in the United States. In recent years, its consultations with those tribes had covered topics ranging from repatriating sacred and culturally significant native American cultural items from abroad and addressing violence against indigenous women and girls to implementing transboundary water treaties affecting tribes along the United States-Canadian border. A long-standing United States presidential executive order from the year 2000 set forth fundamental principles and criteria that guided the Government in conducting regular and meaningful

consultations with United States federally recognized tribes when formulating or implementing policies affecting them.

27. Turning to the challenges to self-governance, he asked the Special Rapporteur what factors she believed could contribute to building indigenous peoples' capacity to achieve better economic, education and health outcomes at the local level.

28. **Ms. Wacker** (Observer for the European Union) said that the European Parliament resolution of 3 July 2018 on the violation of the rights of indigenous peoples, including land-grabbing, set out the essential elements that European Union member States should consider for the protection of indigenous peoples. With respect to violence and unlawful criminalization, especially in the context of land, natural resources and the environment, the conclusions on indigenous peoples adopted by the Council of the European Union on 15 May 2017 specifically prioritized the need to take action against the threats and violence faced by indigenous peoples' human rights defenders.

29. She asked what role the private sector should assume in the protection of indigenous human rights defenders and which additional protection measures could be put in place. The European Union supported the work of human rights defenders through specific guidelines as well as the European instrument for democracy and human rights, which funded organizations and human rights defenders that worked on safeguarding land-related rights.

30. Continued support was needed to ensure that capacity-building programmes for indigenous leaders on human rights were included in the international agenda. The European Union remained committed to supporting the establishment of mechanisms and dialogues between Governments and representatives of indigenous peoples. The active, free and meaningful participation of indigenous peoples was a key issue for the achievement of the Sustainable Development Goals. The European Union also remained committed to the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples and wished to underscore specifically the principles of respect, promotion of autonomy and self-government, territorial rights and free, prior and informed consent.

31. **Mr. de Souza Monteiro** (Brazil) said that self-governance was a corollary of the principle of self-determination in international law and served as a yardstick in Brazilian policymaking relating to indigenous peoples. Demarcated indigenous territories in Brazil represented approximately 12 per cent of the national territory. Traditional leaders were responsible

for managing most aspects of the socioeconomic and cultural lives of indigenous peoples. However, in consultation with local indigenous communities, the Government did offer health and education services in their territories. He asked the Special Rapporteur how self-governance could be best applied to national health and education policies.

32. **Mr. Tituaña Matango** (Ecuador) said that his Government maintained its openness and willingness to engage in dialogue in order to further initiatives for the benefit of indigenous peoples and nationalities. Preparations were currently being made for the Special Rapporteur's visit to Ecuador in November 2018. With the approach of the International Year of Indigenous Languages in 2019, he asked the Special Rapporteur how she envisaged contributing to the successful outcome of the celebrations.

33. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples) said that she always urged Governments to engage in good faith and profound dialogue with indigenous peoples with a view to achieving the Sustainable Development Goals and the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Notwithstanding any complications that might arise with that type of dialogue at the national or local level, ultimately the outcome was better cooperation and partnership between States and indigenous peoples.

34. The private sector must exercise due diligence and adhere to the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, whenever it contemplated bringing investments or projects into indigenous peoples' territories. Due diligence meant having a human rights impact assessment as well as environmental and social impact assessments. Many important processes were required to enhance dialogue between the private sector and the indigenous peoples and between the private sector, indigenous peoples and States. The latter had the primary obligation to comply with international human rights standards, but the private sector had already agreed that it had the responsibility to protect human rights in general and indigenous peoples' rights in particular, and to ensure access to justice or remedies to particular human rights infractions.

35. In her 2019 report, she would study in greater depth the issues of education, health, basic social services and disaster mitigation. Indigenous peoples must press Governments to undertake cultural, health and education services. Indeed, in some of the countries that she had visited, the impact of those services was

substantial. The performance of indigenous peoples was much better in countries where they had intercultural health services and bilingual education.

36. A workshop held recently in China had clearly identified concrete measures in support of the International Year of Indigenous Languages. Those languages were part of indigenous governance. In terms of criminalization, one of the problems cited was the lack of interpretation. Rights defenders who did not speak the dominant languages could hardly defend themselves because there was no interpretation into their own language. In countries where multilingual approaches had been adopted, the results were much better.

37. Dialogue and constructive engagement with indigenous peoples would invariably be the best approach to address any challenges and reduce conflicts caused by a failure to consult them. If the private sector engaged in dialogue it would also reduce the cost of doing business in the country. Research showed that as much as 85 per cent of the cost of projects was lost owing to a failure to undertake the processes that were needed to resolve a conflict. The only solution was to call on States to implement the United Nations Declaration and to ensure that they would act in good faith.

38. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), welcomed General Assembly resolution 72/155, in which Governments and the United Nations system, in consultation with indigenous peoples, were urged to fulfil the commitments contained in the outcome document of the World Conference on Indigenous Peoples. CELAC encouraged further efforts to facilitate participation by the representatives and institutions of indigenous peoples at meetings of the relevant United Nations bodies on matters affecting them.

39. In the context of the International Year of Indigenous Languages, CELAC members States committed themselves to implementing programmes for the recovery, conservation, development, learning and dissemination of the different indigenous languages that were part of their cultures. They recognized that traditional knowledge, innovations and practices of indigenous peoples could support social well-being and sustainable livelihoods. Indigenous peoples had the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural manifestations.

40. Access to justice was essential for the promotion and protection of the individual and collective rights of

indigenous peoples, together with equity, social and financial inclusion, well-being and *buen vivir* (living well). Indigenous peoples, including indigenous women, must be empowered to participate in decision-making processes on matters that affected their rights and States had the duty to consult them through their representative institutions with a view to obtaining their free, prior and informed consent.

41. As established in the United Nations Declaration on the Rights of Indigenous Peoples, special attention must be paid to the rights and requirements of women, children, young people, older persons and persons with disabilities. The 2030 Agenda on Sustainable Development was an opportunity to address gaps in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the unequal progress made towards their realization.

42. **Mr. Thomas** (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM member States continued to work in partnership with their indigenous communities to further the establishment of human rights standards. Regional and national plans were being strategically adjusted in line with the aims of the 2030 Agenda. In their dedication to the continued development of their indigenous populations, CARICOM member States were ensuring that laws and measures adopted to protect and preserve their culture and identity would also guarantee their fundamental rights and freedoms, without discrimination.

43. The expanded mandate of the United Nations Voluntary Fund for Indigenous Peoples had allowed for the continuous engagement of indigenous populations within the United Nations system and provided guidance and training to indigenous representatives to enable them to participate effectively in human rights mechanisms. CARICOM echoed the call for new and continued donor support to the Fund to enable it to boost capacity-building among the indigenous peoples in the Caribbean.

44. CARICOM looked forward to working with indigenous peoples to recover and develop languages that were at risk. It sought to highlight the social and cultural importance of its indigenous populations at the national and regional levels and to promote their inclusion and right to continued cultural self-determination.

45. Notwithstanding the significant progress made in promoting the human rights and socioeconomic well-being of indigenous peoples, CARICOM acknowledged that much more must be done to bridge the gap between them and the non-indigenous populations. In their

efforts to mainstream indigenous perspectives in their national development policies, CARICOM member States were constrained by their inability to access adequate international support. The Governments of CARICOM member States therefore continued to call on the United Nations programmes, funds and specialized agencies to assist them in their ongoing efforts by mobilizing financial and technical assistance.

46. **Mr. Sauer** (Finland), speaking also on behalf of the Nordic and Baltic countries, namely, Denmark, Estonia, Iceland, Latvia, Lithuania, Norway and Sweden, said that indigenous peoples' representatives and institutions must have the possibility and space to exercise their rights at meetings of all relevant United Nations bodies on issues affecting them. In that regard, the Nordic and Baltic countries had actively contributed to the work of the four indigenous peoples' advisers to the President of the General Assembly with regard to the consultation and participation of indigenous peoples and had sought to implement the recommendations of General Assembly resolution 71/321 since its adoption in September 2017.

47. Self-governance involved not only the establishment and maintenance of indigenous decision-making institutions but also the promotion of indigenous peoples' participation in decision-making processes on matters that affected them. Women, youth and persons with disabilities needed to participate in indigenous institutions and other forums. Furthermore, all Member States needed to intensify their efforts to address the challenges faced by many indigenous self-governance systems, including the lack of resources.

48. The Special Rapporteur's efforts to increase cooperation with other United Nations bodies and her participation in the high-level political forum on sustainable development were to be commended. Indigenous governance systems could play an essential role in ensuring that the implementation of the 2030 Agenda was culturally appropriate and grounded in indigenous peoples' traditions, values and approaches to development. The Special Rapporteur had an important role to play as an advocate for indigenous peoples' rights. However, indigenous peoples must have the possibility and space to exercise their right to participate in the meetings of all relevant United Nations bodies dealing with issues affecting them.

49. **Ms. Wacker** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, the Republic of Moldova and

Ukraine said that the European Union was stepping up its support for indigenous peoples and human rights defenders working specifically on land issues, environment, biodiversity and climate under the European Instrument for Democracy and Human Rights. Following a call for proposals in 2017, the European Union would be granting 5 million euros in 2018 to human rights defenders and organizations that worked on those issues.

50. Land-grabbing occurred even in countries where the rights of indigenous peoples to lands, territories and resources were protected in law or in the Constitution. It therefore needed to be urgently addressed as a phenomenon rooted in a lack of accountability and good governance. Respect for the right to customary land and resources was essential for the definition of accountability, good governance and a global rules-based order. The European Union would use all its tools to promote adherence to a rules-based order and internationally agreed policy directions. The European Consensus on Development, adopted in June 2017, defined the European Union's development strategies for the future and was a reaffirmation of the Union's rights-based approach to development. The responsible governance of and equitable access to land and resources featured strongly in the Consensus as an important issue that must be taken into account. She called on all States to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security and urged Governments as well as private sector actors to abide by the Guiding Principles on Business and Human Rights, which were immensely relevant in the context of land-grabbing.

51. The European Union would continue to take an active part in the interactive hearings on enhancing the participation of indigenous peoples' representatives and institutions at the United Nations. Its steadfast commitment in that regard was grounded in the conclusions on indigenous peoples adopted by the Council of the European Union on 15 May 2017, which underscored the crucial importance of further enhancing opportunities for dialogue and consultation with indigenous peoples at all levels of European Union cooperation.

52. **Mr. Sandoval Mendiola** (Mexico), speaking on behalf of the Group of Friends of Indigenous Peoples, said that despite positive efforts to translate the principles of the United Nations Declaration on the Rights of Indigenous Peoples into action, discrimination remained an obstacle and those in the most vulnerable situations bore the heaviest burden. Development could only be sustainable when the most vulnerable were

protected. Thus, particular attention must be paid to the rights and special needs of indigenous women, children, young persons, older persons, migrants and persons with disabilities. Efforts must also be intensified in order to prevent and eliminate violence and multiple and intersecting forms of discrimination.

53. All Member States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO), should participate actively in the events relating to the International Year of Indigenous Languages and uphold the spirit of the Year by drawing attention to the critical loss of indigenous languages the need to preserve, revitalize and promote them. Despite increased attention from national Governments and the international community, one indigenous language died approximately every two weeks. As languages became extinct, wisdom, customs, methods of governance and distinct world views were lost.

54. The participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies dealing with issues affecting them remained an important goal. Thus, in conjunction with the relevant agencies and entities of the United Nations system, Member States should hold timely regional consultations to seek input from those representatives and institutions on the measures needed to enable their participation. Important strides forward could be made with constructive engagement, persistence and a true demonstration of best practices.

55. **Mr. Mohamed** (Iraq) said that, over the previous three decades, the rights of indigenous peoples had become a recognized component of international law. United Nations human rights mechanisms, including the Working Group on Indigenous Populations, monitored developments in that field. His Government would honour the provisions of the outcome document of the World Conference on Indigenous Peoples, in particular those that sought to provide favourable living conditions for indigenous peoples. Working with indigenous peoples' institutions, the Government would develop national plans and strategies and would promote and protect the rights of indigenous persons with disabilities by affording them better education, health care, and cultural and social services.

56. With the stresses imposed on their lands by the extractive industries, indigenous peoples continued to face violations of their human rights. The Government of Iraq wished to continue to support the human rights of indigenous peoples and to work with them to achieve the Sustainable Development Goals.

57. **Mr. Kashaeu** (Russian Federation) said that supporting indigenous peoples' aspirations to the full and effective realization of their rights had always been one of his Government's priorities. Many legal instruments had been enacted in his country to reflect the main international statutes on the promotion and protection of the rights of indigenous peoples. Long-term strategic documents incorporating the concept of sustainable development were also being drawn up for the indigenous peoples of the north, Siberia and the Far East. Meanwhile, work was under way to improve mechanisms governing the special legal status of indigenous peoples at the federal and regional levels, including in the context of the United Nations Declaration on the Rights of Indigenous Peoples.

58. In seeking to preserve the traditional homelands and the social, economic and cultural identities of indigenous peoples, the Government paid particular attention to their relationship with industry. For example, trilateral agreements had been signed between local authorities, businesses and the indigenous peoples, while trilateral commissions and dispute settlement mechanisms had been put in place to rule on the losses suffered as a result of industrial activities. The policies of industrial companies reflected positive changes in the context of the need to obtain the free, prior and informed consent of indigenous peoples. The situation of indigenous peoples was monitored primarily by federal and regional commissioners for human rights, ombudspersons on the rights of indigenous peoples and various consultative mechanisms for cooperation with civil society.

59. A national organizing committee would shortly be established in preparation for the International Year of Indigenous Languages. Proposals by indigenous peoples had already been incorporated into the relevant national plan of action. The Russian Federation was ready to share its experience in preserving linguistic diversity, including the use of rare and lesser-used languages in the education system and the mass media.

60. His delegation advocated exchanging best practices relating to promoting and protecting the rights of indigenous peoples, especially within the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. Unfortunately, discussions on indigenous peoples were being increasingly being politicized, whereas the common task of the international community should be to seek out mechanisms that would improve their situation since it would also facilitate the development of society as a whole. Any initiative that would place representatives of indigenous peoples in an artificial conflict, making them

pawns in the underhanded political games of certain countries, was therefore unacceptable.

61. **Mr. Meza-Cuadra** (Peru) said that his country had ratified and incorporated into its legal statutes the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). Currently, the focus was on implementing the United Nations and American Declarations on the Rights of Indigenous Peoples. Under the Right to Prior Consultation for Indigenous or Aboriginal Peoples Act, 42 consultations had been carried out on projects relating to hydrocarbons, mining, infrastructure and protected natural areas. Thanks to the Working Group on Indigenous Peoples, a permanent forum that brought together the seven most representative indigenous organizations in the country, several agreements had been reached on adapting public services to the traditions and lifestyles of the indigenous population.

62. The intercultural approach was a mandatory policy in Peru. As one of the first countries in the region to have established a policy on the protection of indigenous peoples in isolation and in initial contact, Peru had recently established an oversight system to penalize deeds or behaviour that could infringe the rights of peoples in isolation.

63. Adopted in August 2017, the national policy on indigenous languages, the oral tradition and intercultural relations sought to guarantee the linguistic rights of speakers of indigenous languages in the national sphere and to incorporate changes and improvements in public administrative practices and in the provision of public services. As part of the events planned for the International Year of Indigenous Languages, the International Congress on Indigenous Languages would be held in Cusco, Peru, in October 2019.

64. According to the National Census on Population, Housing and Indigenous Communities, conducted in October 2017, 25 per cent of the total population registered, or 7 million persons, identified themselves as indigenous. Peru remained committed to the promotion and protection of their rights.

65. **Ms. Nicholas-Mackenzie** (Canada) said that the first step in renewing relationships between Governments and indigenous peoples was to recognize and implement the rights of the latter. In the case of Canada, that meant their treaty rights as well as their inherent rights. Recognition was essential to rebuilding strong, self-determining indigenous nations and to allowing indigenous peoples to reassume control over their governance, lands, resources, languages, cultures and education.

66. Consistent with the United Nations Declaration on the Rights of Indigenous Peoples, Canada recognized the right of indigenous peoples to participate in decision-making through their own representative institutions, including in relevant United Nations forums. Her Government was also fully cognizant of the need to consult indigenous peoples and cooperate in good faith with them with the aim of obtaining their free, prior and informed consent on matters affecting them.

67. Member States had begun the challenging work required to change relationships. Canada was very proud to be among them as it sought to redress historical wrongs by engaging in collaborative and community-driven discussions in a way that responded to the unique rights, needs and interests of indigenous peoples. The collective challenges facing the international community could be viewed as opportunities to forge agreements that would advance the visions of self-determination of indigenous peoples for the benefit not only of their communities but of all humanity. Respect for indigenous rights was integral to achieving a more sustainable world for all.

68. **Ms. Frias Deniz** (Mexico), speaking as a youth delegate, said that her country's identity was deeply rooted in its history and social and political context. The Government of Mexico fully supported the indigenous peoples' pursuit of sustainable, inclusive development and aspirations for securing a better quality of life without losing their cultural identity or jeopardizing the country's natural heritage. The United Nations Declaration on the Rights of Indigenous Peoples had served as a guide to her Government in the adoption of relevant policies aimed at preserving the linguistic diversity and traditional knowledge of indigenous peoples, protecting their lands and territories, combating climate change and promoting the participation of indigenous women in the economic, social and political life of the country.

69. Her country supported the work of the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. At the thirty-third ordinary session of the Human Rights Council, Mexico had proposed that the mandate of the Special Rapporteur be extended for three years. At the World Conference on Indigenous Peoples, it had proposed raising the number of experts on the Expert Mechanism to seven; providing technical assistance to States and indigenous peoples in the drafting of laws and national policies relating to their rights; and encouraging greater coordination with other special procedures.

70. Eliminating violence against indigenous women and girls was as important as achieving their economic, social and political empowerment. Thus, at the sixty-first session of the Commission on the Status of Women, Mexico, together with the International Indigenous Women's Forum, had proposed that empowering indigenous women be treated as a priority issue.

71. **Mr. de Souza Monteiro** (Brazil), reaffirming his Government's commitment to the principle of free, prior and informed consent, said that the political participation of indigenous peoples in Brazil had been increasing in the previous two years. During the country's recent general elections, two indigenous women had symbolized that positive trend: the first, a candidate for the post of Vice-President, had successfully mainstreamed the indigenous perspective in political representation; the second had become the first Brazilian indigenous congresswoman, having previously been instrumental in obtaining a ruling by the Brazilian Supreme Court recognizing the indigenous territory of her ancestors, the Raposa Serra do Sol in Roraima, as one of the 426 demarcated indigenous lands in Brazil.

72. Brazil was fully aware that only by fully involving indigenous peoples would it be possible to fulfil the 2030 Agenda. By continuing to implement the promotion and protection mandate enshrined in the 1988 national Constitution, Brazil would also be fulfilling its commitments under the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda.

73. **Mr. González** (Colombia) said that indigenous communities in Colombia had been authorized to assume control over their own health, education, drinking water and basic sanitation systems and 22 communities had already done so for education services. Judicial mechanisms had also been established to provide protection and security in ancestral indigenous territories.

74. His Government was designing and implementing institution-building programmes, on the basis of inclusive and participatory processes, to support indigenous authorities with their political and administrative responsibilities. It was also preparing documentation for life plans and budgetary transfer management.

75. The Andean concept of *buen vivir* (living well) must be understood in the context of indigenous peoples' right to choose their own development model and as a concrete application of their right to self-determination. Unlike the idea of economic growth, it promoted a new way of living together in society and in harmony with the environment. As a fresh approach to

the challenges of sustainable development, the concept transcended socioeconomic and environmental differences and attested to the fact that diverse perspectives could strengthen the outlook for development.

76. His Government also practised prevention and protection, including by monitoring threatening situations, training national and regional public entities and enhancing awareness in neighbouring communities of the situation of peoples living in isolation. Those measures had helped to avoid contact between illegal miners and missionaries and people in isolation in the Rio Puré National Park. Similarly, authorities in the departments of Amazonas, Caqueta and Vaupés had been advised of the need for no-contact strategies in order to protect peoples in voluntary isolation. However, the Government recognized that challenges such as narcotrafficking, illegal mining, illegal logging and the presence of armed entities were a hindrance to its efforts to address sustainable development and other issues affecting indigenous peoples in a responsible manner.

77. **Mr. Silverman** (United States of America) said that the priority concern for the United States was the need to end violence against indigenous women and girls. American Indian and Alaskan native women faced higher rates of violence and domestic assault than almost any other group in the country. Domestically, federal prosecutors brought violent offenders against indigenous women to justice, while federal programmes offered indigenous survivors a broad range of services and support. The federal authorities also funded research into the phenomenon of violence against indigenous women and girls and the search for possible solutions, while providing training and technical assistance to improve tribal ability to maintain public safety.

78. United States tribal leaders had emphasized the need for rigorous investigation and prosecution of cases involving missing or trafficked indigenous women. In response, the United States Department of Justice had supported prosecutors in holding perpetrators accountable and had launched an initiative to improve indigenous public safety by increasing United States federally recognized tribes' access to national crime information databases, enabling them to enter registrations into the national sex offender registry, to have orders of protection enforced beyond their reservations, to keep firearms away from those who should not receive them and to enter arrests and convictions on tribal lands into those national databases. By the end of the 2018 fiscal year, 47 tribes were participating in the programme.

79. The Department of the Interior worked with American Indian and Alaskan natives on a victims' response programme for victims' rights and restitution. It also sought to raise awareness among federal agencies of the unique challenges surrounding the human trafficking of American Indian and Alaskan natives.

80. At the 2016 summit of North American leaders, the United States, Canada and Mexico had established a trilateral working group on violence against indigenous women and girls, which had held three meetings in the preceding three years.

81. **Ms. Diedricks** (South Africa), recalling that 2018 marked not only the seventieth anniversary of the adoption of the Universal Declaration of Human rights but also the centenary of the birth of Nelson Mandela, whose life had been dedicated to the attainment of human dignity for all, said that the national Constitution was premised on the fundamental principle of non-discrimination. It aimed to advance human rights and fundamental freedoms for all, equally and without prejudice.

82. The multiple socioeconomic challenges faced by communities in South Africa were directly attributable to past discriminatory practices, including the dispossession of land. The critical issue of economic, social and cultural empowerment of indigenous communities must be addressed from the perspective of land ownership. Indeed, no equitable economic benefit would derive to the majority of South Africans until the issue of land ownership had been resolved. Her Government had restored a sizeable amount of land to the previously disadvantaged groups, including the Khoi and San communities. It was striving to tackle the issue of expropriation of land without compensation within the constitutional and legislative framework without sacrificing critical sectors of the economy, such as food security. Economic development was predicated on equal access for all to land, territories, resources and economic opportunities.

83. The destruction wrought by transnational corporations and other business enterprises on the ancestral lands of indigenous peoples remained a fundamental concern for her Government. For those corporations, the sanctity of life was subordinate to the maximization of profits. South Africa called on the international community to work together to achieve the realization of indigenous peoples' human rights and fundamental freedoms across the globe and without discrimination.

84. **Mr. Arriola Ramírez** (Paraguay) said that 19 distinct indigenous peoples existed in his country, distributed over more than 400 communities. Their rich

linguistic diversity was part of the cultural heritage of Paraguay. Spanish and Guaraní, an indigenous language widely used by the Paraguayan population, had coexisted, interacted and enriched each other mutually for more than four centuries.

85. The Constitution of Paraguay recognized the nation's pluricultural and official bilingual character. The Languages Act was a major cultural and political achievement signalling the start of a new phase in the management of bilingualism in Paraguay. The celebration of 2019 as the International Year of Indigenous Languages should help to create awareness of the need to respect, preserve and promote indigenous languages, especially those at risk of extinction.

86. Recognized in the Constitution as having existed prior to the emergence of the nation-State, the indigenous peoples of Paraguay were guaranteed the right to preserve and develop their ethnic identity, the right to communal ownership of land and the right to participate in political life and in decision-making on issues that affected their rights. In close collaboration with indigenous peoples, competent government institutions had been preparing and executing national plans of action to implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

87. **Mr. Bermuda Castillo** (Nicaragua) said that his Government had set aside over \$480,000 from the general budget for indigenous territories, with a view to strengthening territorial and communal governance. In terms of restitution of rights to indigenous groups, in a bid to enhance socioeconomic and cultural security, the authorities had granted land titles amounting to 31.4 per cent of the national territory and accounting for 100 per cent of land title applications by indigenous peoples and persons of African descent. Intercultural health, education and production models were instituted to guarantee socioeconomic well-being, food security and sovereignty throughout the Caribbean coast and, especially, in the beneficiary communities.

88. The State guaranteed the communities of the Caribbean coast the right to enjoy their natural resources, exercise their own forms of communal property and choose freely their own leaders and representatives, thereby contributing to the preservation of their cultures, languages, religions and customs. The education curriculum continued to be based on bilingual intercultural education, by virtue of which indigenous persons were taught in their mother tongue and learned Spanish as a second language. That approach promoted indigenous culture, traditions and identity, together with

respect for ancestral values, traditions and customs dating back thousands of years.

89. The Health Act and the Traditional Medicine Act incorporated indigenous knowledge and wisdom into the health services and training of health personnel. A significant achievement was the fact that, in the period from 2016 to 2018, no case of maternal mortality had been recorded in any of the three territories.

90. Under the Government of Reconciliation and National Unity, Nicaragua would continue to make strides to improve the well-being of indigenous peoples and persons of African descent and to restore their traditional forms of self-governance and human development within the framework of the policy of restitution of rights.

91. **Ms. Sudmalis** (Australia) said that her delegation recognized the pivotal role of indigenous women in empowering communities to achieve the ambitious 2030 Agenda and overcome disadvantage. Like their counterparts in many other countries, Australian indigenous women and girls often experienced different life pathways than non-indigenous women, such as taking on caring responsibilities at a younger age that resulted in lower rates of education and less employment over the course of their lives.

92. The Women's Voices project was a significant opportunity to reframe the Government's current approach to empowering indigenous women. Headed by the Aboriginal and Torres Strait Islander Social Justice Commissioner, it allowed indigenous women and girls to talk about their strengths, challenges and aspirations for change.

93. As home to the world's oldest continuing culture, that of its First Australians, Australia was proud of its rich history and diversity. Her country's membership on the UNESCO Steering Committee for the International Year of Indigenous Languages demonstrated its support and commitment to revive, maintain, celebrate and promote indigenous languages.

94. The Government of Australia embraced working with indigenous leaders and communities to support indigenous ownership, enable true partnerships and recognize the diversity of cultures and circumstances of indigenous Australians. Like the national agenda, entitled "Closing the Gap", the Sustainable Development Goals called for consistent efforts from all levels of government, the private and non-profit sectors, communities and individuals. Australia welcomed further discussion and ideas on the alignment between empowerment of indigenous peoples and the 2030 Agenda.

95. **Mr. Tituaña Matango** (Ecuador) said that his country's 2008 Constitution went beyond multiculturalism to espouse social renewal as the outcome of a long and complex organizational process of social movements. Recognizing 21 collective rights for peoples and nationalities, it also incorporated equality and non-discrimination as principles guiding public policies aimed at achieving the full participation of indigenous peoples in a just and inclusive society.

96. The National Development Plan 2017–2021 affirmed the principles of interculturalism and plurinationalism, revalidating the importance of the identity of peoples and nationalities. Ecuador had long been committed to preserving indigenous languages, maintaining intercultural education and recognizing diversity. The existing bilingual intercultural education system and the national curriculum for bilingual intercultural education, applied to each indigenous language of Ecuador, were the means of promoting a culturally and linguistically relevant education.

97. As one of the countries that had been instrumental in having 2019 proclaimed as the International Year of Indigenous Languages, and in its capacity as Co-Chair of the UNESCO Steering Committee for the International Year of Indigenous Languages, Ecuador would continue to support the proposals of indigenous peoples, States and other stakeholders looking forward to the successful celebration of the Year. By participating actively in that important event, States would help to preserve and revitalize the use of ancestral languages and their transmission to future generations.

98. In his country 12 October was an opportunity to reflect on the meaning of interculturalism from the perspective of a continent that recognized the value of indigenous peoples, their knowledge, culture and traditions. Thus, it was celebrated as a day of interculturalism and plurinationalism, dialogue between different cultures and knowledge systems, and an occasion to strengthen national unity in diversity with a view to building an inclusive State where peace and justice would prevail.

99. **Mr. Gertze** (Namibia) said that several ethnic groups in Namibia had been relegated to so-called "homelands" under the colonialist apartheid regime, resulting in grave injustices and severe disadvantages. The Namibian Constitution provided a foundational framework for promoting and protecting the rights of such marginalized communities. As a party to a number of conventions and treaties that safeguarded the rights of all peoples, Namibia had enacted national legislation in compliance with the obligations set out under those instruments. A dedicated minister responsible for

marginalized communities had been appointed within the office of the President.

100. Marginalized communities faced a number of challenges: lack of access to land and lack of secure land tenure, low levels of education, limited access to health service, food insecurity and insufficient livelihood options. Education, resettlement and livelihood support programmes were being implemented with a view to integrating those marginalized communities into the mainstream economy and improving their opportunities to earn a living. The Government had also purchased commercial farms, launched literacy projects and put in place affirmative action measures. Conservancies had also been set up and were being managed for the benefit of marginalized people.

101. Under the Traditional Authorities Act, a traditional community could apply for State recognition and obtain the right to administer and execute customary laws, to protect and promote the culture, language, tradition and traditional values of its communities and to preserve cultural sites, works of art and traditional ceremonies.

102. **Ms. Cedeño Rengifo** (Panama) said that, in July 2018, Panama had contracted a World Bank loan of \$80 million to support the implementation of the Integral Development Plan for Indigenous Peoples. The purpose of that Plan was to strengthen the capacity for governance of indigenous peoples and assist in planning and implementing development programmes consistent with their priorities and outlook. It would also serve to enhance the public services provided to them. Based on a national consensus between the two indigenous governance structures and inspired by their own development perspective, the Plan comprised three components: strengthening governance and multisectoral coordination for the development of indigenous peoples; improving the quality and cultural relevance of services and infrastructure in indigenous territories; and project management, monitoring and evaluation.

103. Her Government recognized that it had a commitment and a historic responsibility to generate greater and better opportunities for equality. It had the political will and was open to proposals that would benefit the indigenous peoples of Panama. The participation and inclusion of indigenous peoples was vital for the full application of the United Nations Declaration on the Rights of Indigenous Peoples, which was the most comprehensive instrument that Member States had at their disposal for achieving change. The historical denial of the human rights of indigenous peoples must be redressed.

104. **Ms. Ershadi** (Islamic Republic of Iran) said that, even 10 years after the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples lagged far behind non-indigenous populations in terms of their economic and social conditions. Moreover, some indigenous groups continued to suffer from unfair treatment, including violence and discrimination, with no guarantee of their basic rights, and severe challenges to their survival and development. In accordance with the 2030 Agenda and the Declaration, countries with indigenous peoples needed to show political will, formulate appropriate national plans of action, strategies and measures and fulfil the commitments made at the World Conference on Indigenous Peoples.

105. She called on international, national and local stakeholders to respect indigenous peoples' rights to their homelands and natural resources. Countries with indigenous populations should put in place strong protective measures to ensure that the rights of those populations were upheld in interactions with extractive industries operating on their ancestral lands. Stronger monitoring mechanisms at the local and national levels were required for the realization of the objectives of the Declaration.

106. **Monsignor Grysa** (Observer for the Holy See) said that, despite advances, the environmental, cultural and spiritual heritage of many indigenous populations remained under significant threat. Economic and ideological colonization imposed under the banner of "progress" continued to be carried out without concern for the human rights of indigenous peoples or their environment.

107. New forms of mining and extraction of valuable minerals and other resources in the Amazon basin, conducted by large corporations, had led to devastating environmental degradation and deforestation, as well as the displacement of persons. Even seemingly well-intentioned land conservation policies and environmental protection movements had disrupted local economies and the lives of inhabitants. Without access to their own land and forced to migrate to cities in search of work, many indigenous peoples fell into precarious situations of poverty and vulnerability.

108. The Amazon and other resource-rich regions of the world must no longer be viewed as inexhaustible sources of wealth to be exploited. Environmental protection must take into consideration the rights and livelihood of the indigenous peoples who called those regions home. They must be included as authentic dialogue partners in every deliberation on matters that directly affected them. Preference must be given to

those beneficial initiatives that indigenous communities and organizations were already undertaking.

109. Indigenous peoples commanded an immense cultural reserve and set of living traditions that must be preserved and defended. The disappearance of their culture and way of life could be even more serious than the loss of biodiversity. Those who were not part of their culture had much to learn from the world view and wisdom of indigenous peoples, as Pope Francis had recently noted.

110. **Ms. Cruz Yábar** (Spain) said that her country had a special strategic framework for cooperation with indigenous peoples. Furthermore, pursuant to the United Nations Declaration on the Rights of Indigenous Peoples, it had developed the Indigenous Programme, an instrument with its own budget for supporting the full and effective political participation of indigenous peoples. Under that Programme, Spain had worked to implement ILO Convention No. 169 through the promotion of multisectoral forums for dialogue and confidence-building at the regional and national levels.

111. In that context, Spain had supported the Meeting of Ibero-America High Authorities with Indigenous Peoples, which approved the Plan of Action of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. The Plan of Action sought to bring national normative and institutional frameworks into line with international standards relating to the rights of indigenous peoples, including the indigenous perspective in national plans, and to establish formal and permanent mechanisms for participation, dialogue and consultation between States and indigenous peoples.

112. Public policies must be consistent with international standards, and steps must be taken to reduce the number of attacks against indigenous human rights defenders and ensure that independent investigations were conducted into any such attacks. The international community should continue to invest in capacity-building of indigenous leaders in the areas of human rights, protection mechanisms and international forums.

113. **Mr. Carazo** (Costa Rica) said that, in March 2018, his country had settled a historical debt with its indigenous peoples by establishing an instrument to guarantee their free, prior and informed consent, setting out clear rules for their full and effective participation in decision-making. The mechanism for dialogue and participation was itself the fruit of an open and comprehensive dialogue conducted in 24 indigenous territories across the country through information and participation workshops on different aspects of the

consultation procedure, in accordance with the recommendations of the Special Rapporteur, the obligations set out in ILO Convention No. 169 and the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

114. In August 2018, the Government had adopted a public policy relating to indigenous peoples for the period 2019–2024 to guarantee the fulfilment of their individual and collective rights from an intercultural and intergenerational perspective with an emphasis on gender equality. Indigenous women and youth must participate in decision-making on issues that concerned them directly.

115. **Ms. Oropeza Acosta** (Plurinational State of Bolivia) said that 97 per cent of the world population spoke only 4 per cent of the approximately 7,000 languages in existence; the vast majority of the minority languages were spoken mainly by indigenous peoples and were disappearing at an alarming rate. Without an appropriate measure for addressing the problem, the history, traditions and memories of the peoples that spoke those languages would be lost and the world's linguistic diversity would be drastically reduced.

116. The 2009 Constitution of Bolivia recognized the 36 nationalities living in the country. Alongside literacy training in Spanish, education was offered in only four of the 36 indigenous languages recognized in Bolivia: Aymara, Quechua, Guaraní and Cavineño. The State was also "Indianized" on the basis of the Constitution, guaranteeing recognition and equality of opportunities for all indigenous nations. By including indigenous peoples in all types of political decisions in the country, representative democracy had been enhanced by community democracy, which elected local government authorities.

117. Her country, which had recently hosted a seminar on the revitalization of indigenous languages attended by Latin American and Caribbean countries, would mark the official launch of national celebrations in preparation for the International Year of Indigenous Languages on 12 October. She welcomed the opportunity to discuss that issue precisely on the day celebrated in Bolivia as Decolonization Day. All countries should act together to promote the right of indigenous peoples to development based on the maintenance of their cultures and customs. The ancestral wisdom and world view of indigenous peoples encouraged respect for all forms of life sheltered by Mother Earth and served as a guide to *buen vivir* (living well), in harmony with nature.

118. **Ms. Dalitucama** (Fiji) said that indigenous peoples in her country had a sacred relationship with

their land and environment. The national Constitution guaranteed the protection and ownership of indigenous land. Indeed, 87 per cent of the land was inalienable indigenous land and the majority of the people were indigenous to Fiji.

119. Like many other small island developing States, Fiji faced real threats posed by climate change and the authorities had identified over 63 coastal communities that required relocation as a result of rising sea levels. In 2014, the indigenous coastal village of Vunidogoloa, including its ancestral burial grounds, had been successfully relocated using a holistic approach in order to preserve its cultural identity.

120. The special relationship between indigenous communities and the environment had been specifically recognized, under the presidency of the Prime Minister of Fiji, at the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, with the adoption of the local communities and indigenous peoples' platform. The platform was designed to strengthen the response of local communities and indigenous peoples to climate change and to facilitate the sharing of best practices and lessons learned on mitigation and adaptation.

121. **Mr. Mohd Nasir** (Malaysia) said that the Orang Asli of Peninsular Malaysia and the natives of Sabah and Sarawak comprised about 13 per cent of the national population. As Malaysia progressed towards becoming a developed nation, indigenous communities were adjusting to that process. Some indigenous persons chose to reside in their traditional villages and surroundings, while others migrated to urban areas. Nevertheless, they were doing their utmost to preserve their own sense of identity and dignity. The Government, conscious of its duty to ensure that the rights of its citizens were respected and protected, would continue to assist indigenous peoples in dealing with the complexities of modern life in the twenty-first century.

122. Malaysia recognized the importance of indigenous peoples' lands as part of the enjoyment of their human rights. Under the Aboriginal Peoples Act 1954, the State authority could, by notification in the Gazette, declare any area exclusively inhabited by aborigines to be an aboriginal reserve. The Department of Orang Asli Development had been set up pursuant to the Act to monitor the well-being of indigenous communities.

123. Various government initiatives helped to facilitate access to education for indigenous children, who were also strongly encouraged to further their studies to the tertiary level and received financial assistance or scholarships to do so. The outstanding performance of

many students attested to the wisdom of the Government's decision to improve access to education for rural indigenous communities.

124. **Ms. Horbachova** (Ukraine) said that her country was committed to respecting human rights and fundamental freedoms, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and guaranteed that the ethnic, cultural, linguistic and religious identity of all national minorities in the country were both preserved and promoted. It also supported indigenous peoples based on the principle of universal respect for the rule of law and human rights, irrespective of race, gender or religion.

125. Her Government guaranteed the protection and enjoyment of the rights of the Crimean Tatar people within a sovereign and independent Ukraine and recognized the Mejlis as their competent self-governing body. Since the beginning of the temporary occupation of Crimea in February 2014, Crimean Tatars and ethnic Ukrainians had faced extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions, torture, ill-treatment and psychiatric internment. According to the most recent report of the Office of the United Nations High Commissioner for Human Rights, entitled "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea", systemic problems requiring urgent measures included the absence of impartiality in the administration of justice; restrictions on the exercise of fundamental freedoms, including actions to prevent or suppress criticism and dissent; and a general lack of accountability for human rights violations committed by State agents. Despite an April 2017 Order by the International Court of Justice requiring that the Russian Federation refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, the Mejlis was still banned in Crimea.

126. Her delegation demanded that the Russian Federation comply with its obligations as an occupying Power under international human rights and humanitarian law, cease repressions against indigenous Crimean Tatars on the territory of the temporarily occupied Crimea, comply with the Order by the International Court of Justice and lift restrictions on the representative institutions of the Crimean Tatar community, including the ban on the Mejlis. She called upon the international community to condemn the human rights violations committed by State agents of the Russian Federation.

127. **Ms. Banaken Elel** (Cameroon) said that while significant advances had been made since adoption of the United Nations Declaration on the Rights of Indigenous Persons in 2007, consensus remained elusive given the many different approaches and the lack of an internationally accepted definition of the term "indigenous".

128. Her country had 250 ethnic groups, each of which could be considered indigenous in its region of origin. However, pending the finalization of a study undertaken to identify the populations that could be identified as indigenous in Cameroon, only the group referred to as Pygmies was currently recognized as belonging to that category. The Government had therefore adopted a series of measures to promote and guarantee the rights of those populations.

129. With respect to self-governance, her Government had taken steps to facilitate the political participation of indigenous populations by encouraging them to register on electoral lists and to present themselves as candidates in the communes to which they belonged. As a result, several representatives of Pygmy communities had been elected to serve on executive bodies in their communes. Furthermore, the Government sought to cooperate with the Pygmy population with a view to obtaining their free, prior and informed consent for programmes that concerned them. Such was the case with forestry, with the Government setting up a new category of mechanism designed to enable local communities to progressively assume responsibility for the management of their forests and forest resources. In southern Cameroon, Pygmy populations were actively engaged in community forest management committees. Cameroon would pursue its efforts to promote the rights of the Pygmy populations.

130. **Mr. Castillo Santana** (Cuba) said that political or economic interests of different kinds were still being cited as justification for projects that dispossessed indigenous peoples of their lands and natural resources, thereby depriving them of their right to development, leaving them vulnerable to marginalization and discrimination and imposing legal and administrative barriers to the recognition of their collective rights.

131. The United Nations Declaration on the Rights of Indigenous Peoples sent a clear message to the international community about the importance of ensuring the survival and well-being of indigenous peoples and, in particular, upholding their right to promote their own vision of economic, social and cultural development.

132. Reiterating its firm support for the just claims of indigenous peoples, his delegation urged the

international community to demonstrate greater political will by taking concrete steps towards the fulfilment and full enjoyment by those communities of all their economic, social, cultural, civil and political rights.

133. **Mr. Certa** (Observer for the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean) said that the Fund was an intergovernmental body established by Heads of State and Government in 1992 to contribute to the autonomous development of indigenous peoples in the region and promote their individual and collective rights. An ideal platform for consultation and dialogue, it consisted of 22 member States, of which 19 were from the region and 3 from beyond; and of indigenous representatives for each member State within the region.

134. The Fund had facilitated the drafting of the Ibero-American Action Plan for the Implementation of the Rights of Indigenous Peoples, which was a significant step towards regional coordination and an opportunity to improve historical discordant or strained relationships between indigenous peoples and States in the region.

135. As Co-Chair of the Inter-Agency Support Group on Indigenous Issues, the Fund continued to further implementation of the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples and to improve inter-agency coordination. It was increasingly conscious of the need to appoint a special envoy or special adviser on indigenous peoples to raise awareness of indigenous issues at the United Nations.

136. The Fund worked with indigenous organizations and Governments in many Latin American countries and had helped to establish an indigenous youth platform in the region. It also offered courses to strengthen indigenous leadership and had organized an international seminar on revitalization of indigenous languages in the region.

137. **Mr. Molina Linares** (Guatemala) said that, in July 2017, his Government had adopted an operations guide for consultation with indigenous peoples following a process of participatory dialogue with them. Based on the relevant provisions of ILO Convention No. 169, the guide served as a manual for instructing public institutions on relevant consultation procedures.

138. In the context of the International Year of Indigenous Languages, Guatemala would pursue its efforts to rescue and revitalize the 22 Mayan languages as well as Garifuna and Xinca. His Government was

putting the final touches to a specific public policy on indigenous peoples and interculturalism, which would focus on the holistic development of indigenous peoples and respect for their ancestral lifestyles. In addition, the Guatemalan Fund for Indigenous Development fostered the participation of indigenous peoples in development councils.

139. Reaffirming his country's commitment to respect the collective and individual rights of indigenous peoples and to empower them to act in accordance with their own world view, he urged those Member States that had not yet recognized their indigenous peoples to start a dialogue with the relevant stakeholders with a view to fulfilling the United Nations Declaration on the Rights of Indigenous Peoples.

The meeting rose at 1.20 p.m.

**General Assembly**

Seventy-third session

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Third Committee**Summary record of the 17th meeting**

Held at Headquarters, New York, on Monday, 15 October 2018, at 10 a.m.

Chair: Mr. Saikal (Afghanistan)**Contents**

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- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms
- (c) Human rights situations and reports of special rapporteurs and representatives
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The meeting was called to order at 10.05 a.m.

Agenda item 74: Promotion and protection of human rights

(a) Implementation of human rights instruments

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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(c) Human rights situations and reports of special rapporteurs and representatives

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(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/73/36 and A/73/399)

1. **Ms. Bachelet** (United Nations High Commissioner for Human Rights) said that at the current time the principles and institutions of the United Nations were being put to the test: multilateralism was eroding, and with it, the values and norms that underpinned the shared global commitment to human equality and human dignity. To uphold those values within the framework of the multilateral institutions that preserved dialogue and cooperation between States, human rights needed to remain a core focus of multilateralism and of the United Nations. Sustainable peace, security and development could be attained, but only if progress was made towards greater justice and equity.

2. Human rights built on each other to form a strong and interlocking basis for sound societies. Economic, social and cultural rights, as well as the right to development, helped to diminish despair, grievances and violent extremism; civil and political rights, and measures to promote equality, drove sustainable economic development to which every member of society could fully contribute. There was only one way

forward: collective, cooperative work. Member States were the primary actors in delivering on human rights and in safeguarding a human rights-based multilateralism. The core vocation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was to assist Member States, the wider United Nations system and civil society to protect, respect and realize human rights.

3. Open and constructive dialogue could bring together diverging views and help achieve the systemic changes needed to ensure greater respect for human rights and sustainable peace and development. On the seventieth anniversary of the Universal Declaration of Human Rights, it was essential to take a closer look at how Member States and the United Nations system could make full use of the potential of human rights mechanisms and bodies.

4. The strong value of early warnings generated by human rights monitoring had been amply demonstrated. The human rights system was a force for prevention; when backed by the political will of key actors, effective, sustained human rights work could prevent, mitigate and help to resolve conflicts. The 2030 Agenda for Sustainable Development, which was rooted in the right to development and all other rights, could only be achieved with a focus on human rights, by addressing the root causes of insecurity, reducing inequality, ensuring stable, transparent and inclusive institutions and eliminating discrimination.

5. Introducing the annual report of the United Nations High Commissioner for Human Rights (A/HRC/37/3), she noted that the work of OHCHR spanned every region of the world and all three pillars of the United Nations, and extended across almost all United Nations mandates and the full spectrum of rights. It included technical cooperation and capacity-building; monitoring and reporting on human rights situations; advocacy -both private and public; standard-setting; and support to United Nations human rights mechanisms.

6. The Human Rights Council played an increasingly relevant role and was enhancing its efforts to make its work more visible, more efficient, more connected to New York-based bodies and other United Nations entities and more effective on the ground.

7. OHCHR provided technical cooperation in such areas as sustainable development, women's equality, and transitional justice and human rights defenders. To assist in the implementation of the 2030 Agenda, OHCHR had been leading efforts to integrate human rights in data collection and disaggregation. For example, in Kenya, it had provided advice and assistance to the National Human Rights Commission

and the National Bureau of Statistics with a view to identifying disadvantaged groups, and a series of regional workshops would seek to replicate aspects of the project in other countries. Promoting gender equality and the human rights of women was essential to all the work of OHCHR. In Tunisia, the Office had participated in a five-year process to develop a bill on eliminating violence against women and girls, in full compliance with international human rights standards, working alongside the Tunisian authorities, civil society groups and United Nations bodies. In Colombia, OHCHR was supporting a victim-centred approach to transitional justice, focusing on the protection of at-risk populations and of human rights defenders; that work needed to be matched by efforts by the authorities to address structural inequalities and the root causes of violence, emphasizing the right to equal participation and social justice.

8. The success of OHCHR in protecting and promoting rights was defined by the extent to which Member States met their human rights commitments, and every action it took was aimed ultimately at supporting States to that end. However, her Office needed the full support of the General Assembly; the support of the Fifth Committee to provide resources; and the political support of Governments. In addition, decisions taken by Member States at the Human Rights Council needed to be supported by the General Assembly and the Security Council, and vice versa.

9. In 2017, OHCHR had initiated a consultation process with Member States, United Nations entities, civil society, the private sector and its own staff with a view to developing a new four-year management plan for the period 2018–2021. The process had confirmed the ongoing value of the work of the Office under six pillars: support for the international human rights mechanisms; mainstreaming of human rights within development and peace and security efforts; and advancement of the core principles of non-discrimination, accountability and participation. OHCHR would strengthen its work to prevent conflict, violence and insecurity; help expand civic space; and help broaden the global constituency for human rights. It would also focus strongly on the 2030 Agenda, highlighting the human rights of women, children and persons with disabilities, and seek a deeper understanding of the human rights dimensions of climate change, the digital space, inequality, corruption and the displacement and movement of people.

10. **Mr. Hilale** (Morocco), speaking on behalf of the African Group, said that, for the second year running, no separate report had been submitted by OHCHR to the Committee, as in previous years. The report before the

Committee provided an overview of the work undertaken by OHCHR during the period from 1 December 2016 to 30 November 2017, almost a year earlier. The Group asked whether the High Commissioner would consider returning to the previous practice of submitting a separate report to the Committee that covered a more recent reporting period.

11. In advancing the human rights agenda at the global level, the Office should take steps to guarantee non-selectivity, impartiality, transparency and objectivity, while avoiding polarization, politicization and double standards. The African Group urged the High Commissioner to pay particular attention to the realization of the right to development and to strengthen the activities of her Office focused on economic, social and cultural rights. There was also a need to respect cultural, social and religious differences between societies and communities and to refrain from imposing narrow cultural standards on others. The inclusion in the report of certain priority areas that were clearly non-consensual and did not garner the wider support of the international community was of particular concern; additional information on the process by which such priority areas were determined should be provided.

12. The African Group appreciated the work undertaken by OHCHR in the promotion and protection of the human rights of migrants, in particular to combat discrimination, and hoped that efforts would be further focused in that regard. It expressed concern about the growing reliance of OHCHR on extrabudgetary resources, including earmarked contributions, and called for the regular budget of the Office to be increased. It also called on the High Commissioner to redouble efforts to ensure more equitable geographical representation of the staff of the Office.

13. **Ms. Rodríguez Camejo** (Cuba) said that her country reiterated its support for the efforts made by OHCHR to advance the cause of human rights on the basis of objectivity, non-selectivity and impartiality. The High Commissioner was taking on her new role at a time of heightened challenges, including growing politicization, in particular against countries of the South, in addressing the issue of human rights. A clear example was the event directed against Cuba that the Government of the United States intended to hold the following day in the Economic and Social Council. Cuba denounced the attempt to use the name and premises of the United Nations to attack one of its Member States, in clear violation of the purposes and principles of the Charter of the United Nations and international law, as well as the rules of the Organization for the conduct of meetings. Both the event and the campaign that the United States was seeking to start

constituted an affront to the sovereignty of the Cuban people and disrespect for its self-determination. The United States did not have the moral authority to give lessons on human rights to Cuba, in particular under the current administration, which promoted supremacist, racist and xenophobic ideas. Cuba hoped that the United Nations, in particular its Secretariat, would not allow such aggression against one of its Member States through the manipulation of human rights.

14. **Ms. Stanescu** (Romania) said that her country reiterated its support for the independence of OHCHR. Given the importance of the indivisibility and universality of human rights, her delegation firmly believed that the international community should put an end to the numerous human rights violations in the world and that each country had a duty to take action. Her delegation deplored the lack of cooperation of some countries with OHCHR and with the mechanisms of the Human Rights Council, which undermined the mandate of the High Commissioner and the applicability and full enjoyment of human rights. It was also concerned about the deterioration of human rights in the world, which sometimes led to serious humanitarian crises, and called for efforts to protect the rights of women, children and other vulnerable persons, and to ensure freedom of religion and belief, freedom of expression and opinion, and the rights of human rights defenders. Romania opposed the continued application of the death penalty and the proposals being made in some countries for its reintroduction.

15. Her delegation wondered whether, taking into account her experience as Head of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the High Commissioner believed that closer cooperation of the treaty bodies and special procedures of the United Nations with regional organizations should be developed in order to better defend women and promote their rights, especially in conflict areas.

16. **Mr. García Moritán** (Argentina) said that the United Nations, with the support of OHCHR, should continue to incorporate, from a human rights perspective, historically marginalized groups, including children, women, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, indigenous peoples, afrodescendants, migrants and refugees. He asked whether international human rights law was sufficiently specific and coherent to guarantee the promotion, protection, respect and enjoyment of human rights by older persons, and their empowerment as active citizens.

17. **Mr. Lewicki** (Poland), commending OHCHR for its efforts in protecting and upholding human rights worldwide and its contribution towards building sounder societies, said that the commitment of his country to the principles and objectives enshrined in the Universal Declaration of Human Rights was exemplified by its candidature to the Human Rights Council for the period 2020–2022.

18. **Ms Al-Temimi** (Qatar) said that her country was committed to supporting the work of OHCHR. Qatar was proud to host the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, which was mandated to undertake training and documentation activities in line with international human rights standards and to support efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations. Qatar had made significant progress in terms of upholding its commitments under the international human rights conventions to which it was a party, as reflected in its domestic and international policies in areas such as education, health, the environment, labour rights, women's empowerment and the rights of children. Qatar would continue to welcome visits by special procedures mandate holders and other human rights experts.

19. **Mr. Heusen** (Germany) said that his delegation hoped that the Security Council would prioritize human rights during his country's non-permanent membership beginning on 1 January 2019. In that context, he asked how OHCHR viewed its cooperation with the Security Council and how the Council could do more to benefit from OHCHR expertise. Given that the Secretary-General had put a significant focus on conflict prevention, in which human rights played an important role, it would be useful to learn how human rights could be more mainstreamed within the Secretary-General's conflict prevention agenda.

20. A number of Member States had founded a cross-regional Human Rights and Conflict Prevention Caucus in New York; the caucus would strongly support the High Commissioner's agenda. He asked whether the High Commissioner planned further field visits to Nicaragua.

21. **Ms. Eckels-Currie** (United States of America) said that her country had historically supported the work of OHCHR in assisting States in the implementation of their human rights commitments and was continuing to do so with significant voluntary contributions. The High Commissioner and her team should continue to strongly advocate for those who had no voice in the face of

repression, rather than use scarce resources to advance peripheral issues, pursue political agendas and further institutional biases, especially in Member States where effective remedies existed. Her delegation strongly supported mechanisms to investigate and preserve evidence of human rights violations and abuses and efforts to publicize both emergent and ongoing crises and to engage with civil society to further raise awareness, promote accountability and support human rights defenders.

22. Her delegation drew attention to the unchecked politicization and institutionalized bias of the Human Rights Council, which had informed her Government's decision to leave it and which continued unabated; the Council's biased agenda item 7 was still in place and there had been no effort to prevent or deter the election of Member States about which there were significant human rights concerns. Her delegation was also concerned about various politicized mandates that received technical assistance and support from OHCHR. Given that Member States had entrusted the High Commissioner with the mandate to promote and protect human rights for all, she should encourage special mandate holders to prioritize their attention on addressing countries that systematically abused and violated human rights.

23. **Ms. Cruz** (Spain) said that United Nations Headquarters was largely associated with the pillars of peace and security because it was the meeting place for the Security Council, while Geneva was considered the capital of human rights. However, given that threats to peace and violations of human rights were undoubtedly interrelated, it would be interesting to learn how Member States could strengthen the link between Geneva and New York and ensure that information on human rights that was available in Geneva reached the entities in New York that were responsible for safeguarding peace and security.

24. **Ms. Velichko** (Belarus) said that the legacy of OHCHR was blighted by the deep-seated politically motivated ambitions of certain Member States. Human rights problems did not stem from any unwillingness on the part of States to improve their legislation for the sake of their citizens, but from the fact that human rights were increasingly being manipulated in various countries with a view to the formation of political systems that suited the needs of certain Western powers. Since human rights could not be quantified by precise criteria or numbers, those States alleged that a human rights situation was problematic whenever they wished to exert pressure on countries – for some reason always developing countries – that had fallen out of favour with them.

25. Her delegation wished to make three suggestions to the new High Commissioner: first, it was imperative to revise the current approach to human rights, which at times verged on the absurd. Political ambitions and pressure must not supplant dialogue and a genuine desire to support the development of vulnerable population strata. Second, the United Nations should elevate the profile of the universal periodic review, which was currently the only impartial human rights monitoring mechanism of its kind. Third, OHCHR should continue to provide technical cooperation as a way of strengthening Member States' national human rights capacity.

26. **Mr. Shingiro** (Burundi) said that the dangerous tendency of some States to transform the Human Rights Council into a tool for political pressure and the pursuit of geopolitical objectives vis-à-vis the countries of the South carried the risk of compromising the Council's objectives. The drift towards excessive politicization of human rights, as well as selectivity, bias and double standards, was contrary to the principle of the universality of human rights. Efforts to reverse that trend remained crucial.

27. The artificial polarization that divided the world into "good" and "bad" human rights students must give way to dialogue and cooperation. Given the difficulties faced by the Human Rights Council and the threats posed to multilateralism, his delegation hoped that the High Commissioner would carry out in-depth reforms aimed at depoliticizing the Council and, above all, bringing it closer to the people, regardless of the size and level of development of their countries.

28. **Mr. Vieira** (Brazil) said that his delegation hoped that the tenure of the High Commissioner would be marked by independence, impartiality and autonomy. The Office could have a relevant role in advancing the prevention of human rights violations by strengthening cooperation, technical assistance and capacity-building with Member States. The primary goal of every State should be to ensure dignity and equality for all under all circumstances; violations should never be tolerated.

29. **Mr. Aldabbak** (Syrian Arab Republic) said that his delegation hoped that the High Commissioner would achieve success in reforming what had in recent years become an increasingly politicized approach to human rights that was characterized by double standards and the adoption of hostile, unprofessional and subjective positions that lacked all credibility. The adoption of aggressive and confrontational stances by certain parties, who sought to play down any positive developments in the area of human rights while simultaneously fabricating negative news coverage,

seriously impeded all efforts to build positive relations among Member States and the agencies and representatives of the United Nations.

30. It was critical to prevent certain countries from using the issue of human rights as a political weapon against other States in order to undermine their stability and security and denigrate their national choices. His delegation strongly supported the views expressed by the representative of Cuba and categorically rejected all attempts by the United States of America to promote itself as a defender of human rights when it continued to perpetrate the most heinous crimes against civilians in Syria and in numerous other States.

31. **Ms. Prizreni** (Albania) said that inclusivity and a people-centred approach in building and sustaining peace could not be achieved without a clear focus on human rights and conflict prevention. Human rights violations and violence were often the precursors to long and protracted conflicts. Quick and effective responses to crises necessitated engagement with OHCHR by all bodies of the United Nations system, particularly the Security Council. Her delegation asked how the High Commissioner planned to engage with the Council on the deterioration of the human rights situation as the root cause of most conflicts on the Council's agenda.

32. **Mr. Kawamura** (Japan) said that each human rights issue had its own particular background and sensitivities; ultimately, the countries or parties involved needed to find a path to a solution. The international community could only support them in that endeavour, while respecting their ownership. Japan had championed work on both country-specific and thematic human rights issues and was committed to working closely with OHCHR towards the well-being and freedom of all people by bridging divides and encouraging their own initiatives.

33. **Mr. Favre** (Switzerland) said that more frequent exchanges between the High Commissioner and States Members of the United Nations would enable States to react more effectively to developments on the ground. Close coordination would also help to shed light on the needs of OHCHR and the challenges it faced and ensure adequate responses by Member States. Sufficient financial support was essential for the success of the Office and the Human Rights Council in the promotion of human rights; his Government would continue its financial and political support for OHCHR and called on all Member States to strengthen the financial base of the Office.

34. It was essential to integrate human rights into all areas of United Nations activity, including those relating to preventing conflict and sustaining peace. In

collaboration with Germany, his country had established the Human Rights and Conflict Prevention Caucus in support of such integration. His delegation wished to know the High Commissioner's views regarding the role of her Office following the reforms of the United Nations development system initiated by the Secretary-General.

35. **Ms. Ellertsdottir** (Iceland), speaking on behalf of the Nordic and Baltic countries, said that those countries were strong supporters of the independence and integrity of the High Commissioner and her Office. They believed that it was important to ensure cooperation and complementarity between the Human Rights Council in Geneva and the Committee in New York.

36. The promotion and protection of human rights was not only an obligation of all States but was also in their interests as a prerequisite for peace, security and sustainable development for all peoples and societies. The Nordic and Baltic countries hoped that OHCHR would continue to support a human rights-based approach in the implementation of the 2030 Agenda, and to promote efforts towards the practical implementation of international human rights obligations and recommendations at the country level. The treaty body system, its monitoring mechanisms and the universal periodic review were very valuable, but their effective functioning required ever stronger collaboration between the Office and other United Nations entities. She asked what more was needed at the United Nations level to ensure that human rights would be at the forefront of all aspects of the work of the Organization and the system-wide efforts to implement the 2030 Agenda at the country level.

37. **Ms. Bachelet** (United Nations High Commissioner for Human Rights), responding to questions and comments by delegations, said that, since her recent appointment as High Commissioner, she had engaged with Member States with a view to undertaking technical cooperation and capacity-building aimed at protecting and promoting human rights. Her Office and the Human Rights Council needed to produce results that were impartial, non-selective and objective, but it was essential for them to be given access to States in order to monitor and report on human rights situations.

38. During recent meetings, representatives and stakeholders had touched on the need for neutrality and greater representation of all geographical regions among the staff of the Office.

39. Regarding the issue of the submission to the Committee of one report rather than two, her Office had traditionally submitted two annual reports structured

around thematic priorities: one covering the period from December to November, and another covering the period from July to June. Given the high cost of producing two reports that covered an overlapping period of five months, her Office had decided to produce only one report. It was open, however, to reverting to the previous practice.

40. The right to development was a top priority for her Office. Implementation of the 2030 Agenda must be guided by the Declaration on the Right to Development, and a firm commitment to the principles and ethical, legal and moral standards that were set out in the Declaration was required to address economic, social and environmental challenges to development. The report provided details of activities that had been organized in that regard.

41. In terms of engaging with regional organizations to increase the protection of the rights of women, her mandate included mainstreaming the human rights perspective in the work of the entire United Nations system, for which partnerships had been established with UN-Women, the United Nations Development Programme and other United Nations bodies.

42. Regional organizations could play a much stronger role in prevention and early action to address potential crises. Cooperation should be strengthened between the Office and regional organizations and mechanisms, such as the African Union and the Council of Europe, as well as organizations and groups dealing with language and cultural issues, such as the International Organization of la Francophonie and the Commonwealth.

43. With regard to the issue of working in cooperation with the Security Council, many conflicts were preceded by early warning signs, but early action was often lacking. In that regard, the Human Rights Council had procedures and mechanisms in place to warn the international community of early signs of conflict, and further information could be provided to the General Assembly, the Security Council and other intergovernmental bodies on their use.

44. To ensure the integration of the human rights pillars into the Secretary-General's conflict prevention agenda, the work of the cross-regional Human Rights and Conflict Prevention Caucus and the Human Rights up Front initiative was vital. The human rights bodies provided core contributions to conflict prevention that were of value to the entire United Nations system, including universal norms and standards that established the minimum requirements of peace based on justice and human dignity and regular monitoring of whether human rights standards were being met. The entire

United Nations system should embrace those powerful tools in its prevention work.

45. There were significant normative gaps in existing international human rights instruments with regard to older persons, which meant that issues such as age discrimination, adequate standards of living, support for autonomy, participation in decision-making and freedom from violence, abuse and neglect were often absent from national legislation. Improvements were needed in that regard to ensure better conditions for all.

46. Turning to the question on bridging the gap between New York and Geneva, she said that to do so the General Assembly needed to provide the Human Rights Council with full political support and financial resources to realize its mandate. In the 12 years since its establishment, the Human Rights Council had dealt with an increasing number of country situations, and had established procedures and mechanisms to build capacity at the national level and to address human rights challenges on the ground. The resolutions and recommendations of the Human Rights Council, including in the context of the universal periodic review and special procedures mandate, had helped to prevent and mitigate violations and conflict in many countries through investigative and fact-finding bodies. However, more needed to be done to address gaps between the Human Rights Council and the General Assembly. Discussions were under way on improving the efficiency and effectiveness of the Human Rights Council and forging stronger partnerships and cooperation between the Human Rights Council, the Committee and the Security Council. In addition, the Committee could consider inviting the Human Rights Council to provide regular informal or intercessional briefings.

47. The 2030 Agenda reinforced the intrinsic connection between development and human rights. Focus was placed on addressing discrimination and inequality in a manner consistent with international law as part of the commitment to leave no one behind.

48. **Mr. Giorgio** (Eritrea) said that all human rights were equal and reinforcing and should therefore be given equal emphasis; the universal periodic review mechanism should be advocated and promoted. Every member of OHCHR must be mindful that the goals of human rights could be achieved only through cooperation with Member States. His delegation noted with concern the reduction of the regular budget of the Office; the reliance by OHCHR on extrabudgetary resources, including earmarked contributions, led to attention being placed on a limited number of areas of work and eroded the independence of the Office by

subjecting it to the interests of the countries that made the largest contributions.

49. **Mr. Skoknic Tapia** (Chile) said that his delegation hoped that, under the High Commissioner's leadership, the crucial role of human rights in tackling crises would be strengthened through a field-centred approach. When dealing with situations of conflict, violence or insecurity, prevention, early warning systems and a human rights-based approach in the field were vital. His Government appreciated the support it had received from OHCHR, in particular the assistance provided for the development and implementation of the national action plan on human rights and enterprises and the quadrennial national human rights plan.

50. **Mr. Christodoulidis** (Greece) said that his country was committed to safeguarding the universal, indivisible and interdependent character of human rights and advocated their full and equal enjoyment as a prerequisite for achieving sustainable development and building peaceful and democratic societies on the basis of good governance and the rule of law. The Committee and the Human Rights Council were ideal forums for multilateralism, dialogue and consensus. His delegation requested the High Commissioner to share her views on the best way to achieve a common understanding of human rights, and asked which practices the international community could change and which should be retained in order for future work to be successful.

51. **Mr. Meza-Cuadra** (Peru) said that his delegation particularly appreciated the importance accorded by the High Commissioner to the principles of universality, impartiality, objectivity and non-selectivity, and to the threat that corruption posed to the full enjoyment of human rights. In the Security Council, Peru would continue to give priority to human rights in the prevention and resolution of conflicts, especially the rights of children and women, as the most vulnerable groups.

52. **Mr. Moussa** (Egypt) said that, in advancing the human rights agenda at the global level, the Office should guarantee non-selectivity, impartiality, transparency and objectivity and avoid polarization, politicization and double standards. Cultural, social and religious differences among communities must be respected. His delegation noted with concern the inclusion in the report of certain priority areas that were clearly non-consensual and did not have the support of the international community, including the abolition of the death penalty and discrimination on the basis of sexual orientation and gender identity. Any attempt at codifying new norms outside the intergovernmental

process, including in the context of the Human Rights up Front initiative mentioned in the report, must be avoided. Member States should not use the United Nations to advance political agendas in order to attain narrow political gains.

53. **Mr. Matt** (Liechtenstein) asked how the High Commissioner viewed the recent election of 18 States to the Human Rights Council to much criticism in the media and civil society, and how such elections could be placed in the context of General Assembly resolution 60/251 establishing the mandate of the Council. In view of the unprecedented assaults on human rights defenders and journalists worldwide, which indicated a new level of systematic assaults and an expectation of impunity, he asked what response was appropriate to such worrying trends.

54. **Ms. Agladze** (Georgia) said that the report of OHCHR on cooperation with Georgia (A/HRC/39/44) clearly demonstrated that the ongoing Russian occupation of the Georgian regions of Abkhazia and Tskhinvali remained the only factor aggravating the security, human rights and humanitarian situation in those regions. The report also indicated that Georgians residing in the occupied regions were being subjected to ethnic discrimination and ethnically targeted violence, and called for accountability for unlawful deprivation of life. There was clearly a need for international security mechanisms to be created immediately on the ground. Her delegation was deeply concerned that, despite the repeated efforts of the High Commissioner and the call contained in Human Rights Council resolution 37/40, the occupying Power and its regimes had once again denied the Office access to Abkhazia and Tskhinvali. International human rights monitors must be given unimpeded access to both regions. Her delegation hoped that the issue of access would remain high on the agenda of the Office during the tenure of the current High Commissioner, and asked her how she envisioned addressing the situation in areas to which international monitoring and observation mechanisms had no access.

55. **Mr. Chu Guang** (China) said that national sovereignty must be respected while scrupulously abiding by the purposes and principles of the Charter of the United Nations, and politicization and double standards must be abandoned. His delegation expressed serious concern about the forthcoming meeting on Cuba and politicization in the Economic and Social Council. Peace and security were a prerequisite for the promotion and protection of human rights, and development was the basis for realizing all human rights. The relationship between peace, development and security must be properly managed, and an environment created that was conducive to dialogue and cooperation. The Human

Rights Council should be a platform for all parties to interact and engage in dialogue rather than one used for applying pressure and antagonizing others. The two types of human rights should be advanced in a balanced manner, and the commitment to economic, social and cultural rights should be enhanced. Operating transparency should be increased and the perspectives of Member States should be comprehensively reflected on a basis of equality with others. The serious imbalance in regional representation in the Office must be resolved as soon as possible.

56. **Mr. Whiteley** (Observer for the European Union) said that the international community should work with renewed vigour to make sure that all human rights were fully respected and that those who violated the rights of their people were challenged and held to account across the globe. The European Union and its member States strongly supported the work of the Office and the High Commissioner, and were committed to defending their effective functioning, independence and integrity. The European Union called on all States to cooperate fully with the Office, including by ensuring that special procedure mandate-holders had unhindered contact with individuals and civil society.

57. OHCHR must be equipped with the necessary financial resources and capacity to meet the increasing demands it faced. The European Union and its member States had continued to be the largest provider of voluntary contributions in 2017 and hoped that voluntary funding, including unearmarked funding, would continue to increase.

58. He asked what steps could be taken to ensure that the work of OHCHR contributed as effectively as possible to the advancement of the Secretary-General's prevention agenda, bearing in mind the Human Rights up Front initiative; what the High Commissioner saw as the main solutions to the problem of impediments to the full implementation of the Universal Declaration on Human Rights and other human rights instruments; and how best practices on human rights, including those developed by the Office, could be shared more effectively.

59. **Mr. Elizondo Belden** (Mexico) said that multilateralism was best way to address global challenges, including human rights issues. His Government would continue to play an active role in promoting human rights standards, especially with regard to vulnerable individuals, and had maintained a constructive dialogue with OHCHR and human rights mechanisms. Mexico had been involved in building and strengthening the Human Rights Council and his delegation was convinced that it was the best forum for

discussing human rights; States must continue to participate constructively with a view to enhancing its operation and effectiveness.

60. **Ms. de Jong** (Netherlands) said that it was regrettable that the promotion and protection of human rights had become increasingly politicized and polarized around the globe. Human rights were under pressure worldwide and some States were not living up to their duties. Her delegation expected the High Commissioner to be critical, principled and courageous, to speak out when necessary and to ensure accountability for human rights violations wherever they occurred. It called on the High Commissioner to guarantee the independence and integrity of her Office. She asked how collaboration between the Human Rights Council and the Committee could be strengthened, and which actions should be prioritized in building resilient societies through the promotion and protection of human rights.

61. **Mr. Rangel** (Angola) said that the High Commissioner had demonstrated her dedication to the protection of human rights and fundamental freedoms and her commitment to the improvement of the work of the Office and the United Nations human rights system. He noted that many peoples of the world had made great strides towards democracy, political reform and respect for human rights in the face of common threats and attempts to impose narrow viewpoints.

62. **Mr. Al Habib** (Islamic Republic of Iran) said that the illegitimate and inhumane unilateral sanctions imposed by the United States of America against the people of Iran, particularly following its withdrawal from the Joint Comprehensive Plan of Action, in defiance of Security Council resolution 2231 (2015), had had a negative impact on the well-being of all Iranians, particularly women, children, older persons and those in need of medical attention. Those sanctions amounted to collective punishment of civilians, and similar measures in the past had left horrifying civilian casualties and killed more children than any war or armed conflict. It was indefensible that, except for the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, neither OHCHR nor any special procedure mandate-holders had taken a position on that indiscriminate and genocidal mass violation of the human rights of the Iranian people. The United Nations and its human rights mechanisms had a clear responsibility to confront and condemn such violations.

63. His delegation supported the legitimate request made by the representative of Cuba concerning abuse of the premises of the United Nations.

64. **Ms. Franco Nogueira Calçada Estrela** (Portugal) said that her delegation counted on the High Commissioner to promote and defend the importance of human rights in line with the legacy of her predecessors. Portugal was a close ally and staunch supporter of the independence of the Office and of universal respect for all human rights without discrimination of any kind. Her Government would continue to advocate for the elimination of the death penalty. She asked how the High Commissioner intended to address that issue.

65. Recognizing the important role played by national mechanisms for implementation, reporting and follow-up, she asked the High Commissioner how those mechanisms could promote the implementation of human rights recommendations by States.

66. **Mr. Molina Linares** (Guatemala) said that the human rights system must be strengthened in order to carry out the existing mandates and support countries in implementing recommendations that improved the promotion and protection of human rights for all, especially vulnerable groups. He stressed the importance of strengthening the human rights pillar of the United Nations.

67. **Mr. Kelly** (Ireland) said that his delegation shared the concerns raised by the High Commissioner in the Committee and in the Human Rights Council. Multilateralism, which had underpinned global stability for the past 70 years, was under threat, and the rules-based system needed the protection and support of the international community. The adoption of the 2030 Agenda demonstrated the power of multilateral engagement and the true potential of the United Nations, but delivering on the Agenda necessitated a strong focus on human rights. States had a responsibility to ensure that the victims of human rights violations and abuses remained a core focus of the work of the United Nations and that the voices of civil society and human rights defenders were an integral part of human rights discussions at United Nations forums. He asked the High Commissioner how States could better support the engagement of civil society in discussions in New York and Geneva.

68. **Mr. Elmajerbi** (Libya), noting the reference made in the report of the High Commissioner (A/HRC/37/3) to human rights abuses against illegal migrants in Libya, underscored that his country remained fully committed to upholding all international human rights accords and conventions, the political declarations issued by African summits and by the fifth African Union-European Union Summit, held in Abidjan, Ivory Coast in 2017, as well as all other regional and international agreements,

including the memorandums of understanding signed by Libya with neighbouring countries.

69. Libya condemned all violations of the rights of illegal migrants perpetrated in Libyan territory by transnational criminal groups, human traffickers and terrorist groups. Libya was a transit country for illegal migrants and was neither a country of origin nor a country of destination. It was regrettable that the High Commissioner's report made no reference to the efforts being exerted by his Government to address the situation of illegal migrants and the challenges posed by migration. He asked the High Commissioner whether the Office had provided any legal assistance or training to Libya to enhance its efforts to uphold the human rights of illegal migrants.

70. **Ms. Bachelet** (United Nations High Commissioner for Human Rights), responding to questions and comments by delegations, said that when public freedoms were respected and protected, development and peace could be advanced more effectively and sustainably. When civil society engagement was restricted, responses to security threats, development challenges and other issues were ill-informed and weakened. She supported the view expressed by some delegations that the Office should be funded from the regular United Nations budget rather than extrabudgetary funds or voluntary contributions, and said that the Office would also gladly accept voluntary funding and, in particular, non-earmarked contributions, which would strengthen its work at the country level. In that connection the support of delegations would be appreciated when the relevant requests were made in the Fifth Committee.

71. Conflict prevention depended on adequate information to enable timely responses. With regard to the reform of the United Nations development system, universal norms and values must be upheld so that the system could deliver on the 2030 Agenda, which was norm-based and grounded in human rights. The gains that the system had made over the previous several years in anchoring human rights to development work, policy and doctrine and through concrete measures of support, such as deploying human rights advisers to work with resident coordinators and country teams, needed to be retained. The reform of the United Nations development system also needed to support Member States in implementing the 2030 Agenda according to a rights-based vision.

72. Turning to the issue of obstacles to the implementation of the Universal Declaration of Human Rights and the question of how the Office could better protect human rights, she said that she had seen an

intense backlash against progress made on the rights of women and minorities, which were deepening inequality, increasing violations of rights and undermining the vision of the Declaration. There was a lack of sustained political will, particularly at a time when the very concept of multilateralism was being challenged. The international community must stand up together for human rights for everyone, everywhere. The occasion of the seventieth anniversary of the Declaration was an important reminder of the events of the past and what must be avoided in the future for the sake of all of humanity.

73. Human rights had become a battlefield where political struggles were fought and lines were drawn over support for different rights, rather a constructive dialogue where all parties contributed to achieving the full spectrum of rights. The Sustainable Development Goals presented an unparalleled opportunity to move beyond such tired discourse and recognize that human rights were the foundation for both development and peace and security. To that end, economic, social and cultural rights needed to have a status equal to that of civil and political rights. It was important for OHCHR to avoid assuming the role or mandate of other specialized United Nations entities in the promotion and protection of the various rights.

74. The year 2018 was also the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and was an important opportunity to recommit to the protection of human rights defenders. It was necessary to engage with the public more directly and effectively in such efforts and build recognition of the role of human rights defenders and civic space, and to mainstream those issues in the United Nations system.

75. In order to build resilient societies it must be ensured that all people had access to health care, adequate food, education, water and other necessities. Education, equal opportunities, diversity, respect and non-discrimination were particularly important in that regard. Laws and frameworks that upheld human rights, as well as rights-based institutions, were also an important component. Although failures and problems in human rights were well known, success stories should also be shared in order to demonstrate that progress could be made in the area of human rights and that there was hope for a better future.

76. The President of the Human Rights Council was currently working to improve its effectiveness and efficiency and she hoped that all Member States would

be fully engaged in that effort. Discussions should be held to establish specific and measurable targets, deliver swift responses to human rights crises, and engage more productively with civil society, human rights defenders and grassroots activists so as to have a greater impact on the United Nations prevention and development agenda. Discussions should also focus on practical solutions to the gap between the willingness of States to implement recommendations and their ability to deliver on such commitments. There should be an inclusive platform for States to discuss the technical and financial support they needed and offer assistance to each other in their respective areas of interest.

77. On the subject of future work, she said that intersessional meetings, seminars, briefings and panel discussions were increasingly being organized on an ad hoc basis, and it would be one of the tasks of the Committee to further review the work of the Council during the period 2021-2026.

78. **Mr. Dang Dinh Quy** (Viet Nam) said that economic, social and cultural rights and the right to development needed to be treated with the same emphasis as civil and political rights. It was also imperative to end all confrontational approaches in dealing with human rights issues. The United Nations and its subsidiary bodies should serve as a platform for dialogue and cooperation, not for politicization and division. His country supported constructive engagement among Member States so as to reduce differences; the imposition of sanctions and criticism only aggravated situations. Viet Nam was committed to the promotion and protection of human rights and would continue to engage constructively with the international community to that end.

79. **Mr. Khashaan** (Saudi Arabia) underscored the importance of cooperation among States and relevant international organizations in order to promote a culture of human rights that took into account the particular cultural and religious characteristics of States. Saudi Arabia was strengthening its collaboration with international human rights mechanisms so as to build on their experiences and successfully implement best practices in the area of human rights. He called on the High Commissioner to give particular attention to the difficult humanitarian situation of many people living in the Middle East and Myanmar, whose fundamental human rights must be upheld.

80. **Ms. Rasheed** (Observer for the State of Palestine) said that over the previous year, Israel had continued to build and expand its settlements and the wall and transfer more settlers to occupied Palestine, confiscate Palestinian land, impose hundreds of checkpoints and

roadblocks, demolish Palestinian homes and property, revoke the residency rights of Palestinian residents of East Jerusalem, and take other measures intended to create a coercive environment to forcibly displace Palestinian families. All such activities were in grave violation of international law, including humanitarian and criminal law, relevant United Nations resolutions and the repeated demands of the international community to bring that unlawful situation to an end. It was important to recall Human Rights Council resolution 31/36 and the request it contained to OHCHR to produce a database of all business enterprises involved directly or indirectly in Israel's settlement enterprise in an effort to end corporate complicity in Israel's occupation. She asked the High Commissioner to update the Committee on the status of the publication of that database.

81. **Ms. Hindley** (United Kingdom) said that her Government would remain a strong supporter of OHCHR and the independence of the High Commissioner's mandate. The central tenet of the Universal Declaration of Human Rights, namely that all human beings were born free and equal in dignity and rights, was under attack in many places: in Syria, in Burma, whenever women were oppressed, and whenever the rights of lesbian, gay, bisexual and transgender persons were abused. The international community had a collective responsibility to strengthen the promotion and protection of human rights around the world; it must confront those who violated the rights of their people and it must hold human rights violators to account. Two outstanding human rights defenders had recently won the Nobel Peace Prize. Her delegation welcomed OHCHR efforts to support human rights defenders and wondered what more Member States could do to support their vital role.

82. **Mr. Arbeiter** (Canada) said that the job of the High Commissioner for Human Rights had always been challenging; however, the international community stood on a firm foundation, thanks to the rules-based international order. The challenge lay in the application of those norms and laws. While the onus was primarily on States, Canada appreciated the continued efforts of the High Commissioner and OHCHR to promote equality and counter discrimination, including in digital contexts. Canada fully agreed with her statement at the most recent LGBTI Core Group event that preventing violence should never be controversial and welcomed her efforts to integrate human rights in discussions on sustainable development; just as inequality compromised dignity, development and security, equality and respect for all was the best guarantor of resilience, growth and opportunities. In that vein,

Canada welcomed the High Commissioner's emphasis on positive stories, and had appreciated hearing about the results achieved in Colombia and elsewhere. He hoped she would continue to share such stories, including in areas where OHCHR had helped to prevent impunity or mitigate the risk of conflict.

83. **Mr. Mikayilli** (Azerbaijan) said that his delegation stood ready to continue its constructive dialogue with the High Commissioner and her Office. Although internally displaced persons currently accounted for two thirds of displaced persons worldwide, the issue still did not receive sufficient attention at the global level. There had, however, been some positive developments recently, such as the adoption of the New York Declaration for Refugees and Migrants, which recognized the need for effective strategies to ensure adequate protection for internally displaced persons and to prevent and reduce such displacement. His delegation hoped that the High Commissioner and her Office would pay more attention to the problem, and would appreciate her thoughts on the matter.

84. **Ms. Matar** (Bahrain) said that her country's National Action Charter and Constitution both placed great emphasis on establishing a State that was governed by the rule of law, and the need to uphold the rule of law was a principle that lay at the heart of the reform process launched by His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain. Indeed, the National Action Charter underscored that justice was the basis of government and an essential prerequisite for the achievement of liberty, security, peace, social solidarity and equal opportunity among citizens. It also provided for the independence and immunity of the judiciary in order to protect rights and freedoms.

85. Bahrain trusted that the High Commissioner would succeed in exercising her mandate in a comprehensive, neutral and objective manner. It remained fully committed to upholding all international human rights instruments and would continue to engage with international organizations with a view to entrenching a culture of human rights both within the country and abroad. Her Government appreciated the vital technical and capacity-building assistance provided by OHCHR to enhance States' efforts to protect and promote human rights.

86. **Mr. Shulgin** (Russian Federation) said that his delegation was confident that the High Commissioner would be able to prevent the politicization of the OHCHR agenda and restore a constructive relationship between the Office and Member States. Certain Member States were frequently using human rights issues as

political or economic leverage against Governments which they disliked or which were in competition with them. Using various means to achieve their opportunistic goals, including unilateral coercive measures, they were bringing the human rights situation in some countries to the point of collapse. The Russian Federation fully supported Cuba in condemning the organization at the United Nations of brazenly politicized events aimed at disseminating unreliable information. His delegation hoped that the staff and leadership of the Secretariat would not associate themselves with such actions or take part in them.

87. A High Commissioner for Human Rights who was independent and unbiased and who responded to the root causes of human rights violations rather than the aftereffects was currently more necessary than ever. The thorny task before the current incumbent of the position was to address the protection of human rights without violating the sovereignty of States, while preserving the ethnic, cultural and religious identity of peoples.

88. **Ms. Tripathi** (India) said that the human rights agenda should be implemented under a constructive approach that took account of capacity constraints and societal contexts and was based on the primacy of national efforts. The success of the universal periodic review mechanism over the past decade was a welcome trend. Development strategies based on equality and non-discrimination, participation, inclusion and accountability were critical for building resilient societies and confronting challenges.

89. India had recently been elected to the Human Rights Council and was committed to bringing a pluralistic, moderate and balanced perspective to the Council and beyond, with the aim of bridging divides in human rights discourse and action. Her Government looked forward to working with the High Commissioner and her Office to promote and protect human rights through a constructive and collaborative approach.

90. **Mr. Bessedik** (Algeria) said that the recent commemoration of the centenary of the birth of Nelson Mandela had been an opportunity for the international community to draw inspiration from his principles and goals. His delegation believed that the independence of OHCHR was crucial, as were the interdependence and interlinkages between all human rights. The current practice of targeting certain countries should be replaced by collective and coordinated action. Lastly, he noted that food was being thrown away while many people had nothing to eat and wondered when that issue would be addressed.

91. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that some countries were continuing to

use human rights issues to infringe on the sovereignty of other countries, which only created confrontation. His delegation strongly opposed the politicized attacks against Cuba on the pretext of human rights. He called on the High Commissioner and her Office to abide by the principles of non-selectivity, non-politicization, objectivity and impartiality in their consideration of human rights issues and to ensure that human rights were never used to interfere in other countries' affairs for political reasons.

92. **Ms. Nusseibeh** (United Arab Emirates) said that she was particularly interested in the High Commissioner's pledge to give due attention to the human rights dimensions of climate change and the digital space, and would be very interested in hearing more about that work, in particular the mission to Silicon Valley.

93. The protection of human rights was primarily the responsibility of the State, and the stable, long-term advancement of human rights was best achieved through the State. The United Arab Emirates had focused on developing its own laws and institutions to effectively protect and promote human rights and on providing development assistance to help other States do the same.

94. Her delegation acknowledged the efforts of OHCHR to help Member States fulfil their human rights obligations through, for example, capacity-building and technical advice. The success of those and other activities depended on its integrity and reputation and she trusted that the High Commissioner would continue to maintain the objectivity, transparency and credibility of the Office's monitoring and reporting processes.

95. **Ms. Alfeine** (Comoros) said that her delegation had been pleased to hear that the right to development was at the heart of the High Commissioner's mandate. The universal periodic review should be strengthened, since it was the only mechanism that gave equal consideration to every country's human rights situation. Her delegation encouraged all States to increase the resources of the Voluntary Fund for Financial and Technical Assistance to allow for a more effective response to developing countries.

96. The report mentioned that OHCHR had dispatched teams to Bangladesh to conduct fact-finding activities on the situation of the Rohingya population, in the context of emergency response and early warning activities. The Human Rights Council was creating a new mechanism on Myanmar, which would take the total number of mechanisms dealing with that issue to four. She wondered how the High Commissioner would ensure coordination and data-sharing among the four mechanisms.

97. **Mr. Yaremenko** (Ukraine) said that his delegation hoped that the High Commissioner would focus on prevention of human rights violations all over the world, particularly in situations of armed conflict and foreign occupation, and the transformation of OHCHR into a more effective institution that was able to meet the challenges faced by the United Nations human rights system.

98. It was important to note that the continent of Europe was not still free from conflict. In Ukraine, Russian armed aggression had brought about a serious deterioration in the human rights situation, and his country needed the active involvement of United Nations human rights mechanisms. He counted on close cooperation with the High Commissioner and her Office in that regard and extended an invitation from his Government for her to visit Ukraine at her earliest convenience.

99. **Ms. Cordova Soria** (Plurinational State of Bolivia) said that her country stood ready to support the High Commissioner's work to promote and protect human rights, especially the rights of vulnerable groups. She was confident that the High Commissioner would perform her duties impartially, while also supporting multilateralism and avoiding politicization and double standards.

100. Her delegation joined Cuba in denouncing the intention of a Member State to use the Organization for political ends under the pretext of human rights, and joined calls for the event, due to be held on United Nations premises, to be cancelled.

101. **Mr. Ali** (Pakistan) said that a cooperative approach based on non-discrimination, impartiality and genuine dialogue would be needed to make tangible progress in the promotion and protection of human rights.

102. Pakistan remained deeply concerned by rising xenophobia and Islamophobia and incidents of religious hatred in the West. Freedom of expression must be exercised responsibly under human rights laws and standards. He asked how the High Commissioner would promote a culture of peace as well as dialogue and cooperation between religions and civilizations. Pakistan also remained concerned by the human rights abuses perpetrated against innocent populations, particularly those living under foreign occupation. The Human Rights Council should expedite the constitution of a commission of inquiry to investigate those violations. Lastly, noting that the right to development had been recognized as a fundamental human right, he asked how OHCHR would ensure the universal implementation of that right.

103. **Mr. Hermida Castillo** (Nicaragua) said that his delegation wished to express its support for Cuba and for the letter sent by the Permanent Representative of Cuba to the Secretary-General on the previous day concerning organization of events at the United Nations.

104. **Mr. Kadiri** (Nigeria) said that his delegation welcomed the priority accorded by the High Commissioner to migrants' rights, with a view to making migration safe, orderly and regular. More dialogue, balance, credibility and non-selectivity was needed within the United Nations human rights system to ensure the legitimacy of its work and outcomes, and politicization and grandstanding must be avoided in the Human Rights Council. For the Sustainable Development Goals to be achieved, all human rights, whether political, civil, economic, social or cultural, should be treated in a balanced manner. It was also imperative for the United Nations human rights system to harmonize national action to promote and protect human rights, underscoring the importance of multilateralism. Consideration should be given to scaling up the technical assistance provided to national human rights institutions, without compromising their independence.

105. **Ms. Salim** (Afghanistan) said that her country was honoured to have been elected as a member of the Human Rights Council and regarded it as an opportunity to collectively promote shared principles.

106. According to the most recent United Nations report on civilian casualties in Afghanistan, 1,692 people had lost their lives to the war in the first half of 2018. She asked how the High Commissioner would address the root causes of conflict in war-torn countries in order to guarantee the most basic of human rights, namely, the right to life.

107. **Mr. Situmorang** (Indonesia) said that the principles of universality, impartiality, non-selectivity and transparency should be the foundation of the High Commissioner's work. It was important to ensure that OHCHR discharged its mandate in a coherent, effective, objective, independent and non-politicized manner. Joint efforts must be dedicated to addressing real challenges ahead, rather than focusing on politicized issues and time- and energy-consuming complications, which led only to further polarization. Constructive dialogue and meaningful engagement remained a priority and should continue to be utilized to ensure that efforts to uphold human rights progressed. Furthermore, with the recent proliferation of human rights issues, open minds and genuine dialogue were essential. OHCHR played a crucial advocacy role in that regard.

108. **Ms. Myint** (Myanmar) said that the Human Rights Council should work with countries to protect and promote human rights based on the principles of universality, impartiality, objectivity, non-selectivity and non-politicization. Objectivity and impartiality were particularly important, especially when it came to issues that could have a far-reaching impact on a State's sovereignty.

109. Country-specific resolutions were not conducive to meaningful dialogue and gave rise to polarization, confrontation and double standards. As a member of the Movement of Non-Aligned Countries, Myanmar was opposed to country-specific mandates. Her delegation could not accept any inappropriate intervention based on manipulation of human rights that would undermine a Government's own efforts to achieve peace, national reconciliation and development.

110. **Mr. Moncada** (Bolivarian Republic of Venezuela) said that war was, by definition, a gross violation of human rights, and conflicts resulted in extensive suffering. He asked when the High Commissioner would publicly and categorically condemn the unilateral coercive measures that were being illegally applied by some countries against others in contravention of the Charter of the United Nations, and which resulted in large-scale suffering and violations of human rights. In Latin America alone, such measures were being applied against Cuba, Nicaragua and Venezuela. He also asked when she would condemn the militarization of politics, the creation of conflicts, the escalation of war rhetoric and threats relating to the use of force or the preventive use of force. The military-industrial-media complex was creating artificial conflicts, which posed a major threat worldwide and especially in the Latin American region.

111. **Ms. Bachelet** (United Nations High Commissioner for Human Rights), responding to questions and comments by delegations, said that civic space should be seen as a threshold issue not only for the human rights agenda but also for development and security more broadly. As a former minister and Head of State, she could confirm that, when civil society and other stakeholders were at the table, policymaking was usually more informed, effective and sustainable. Their participation made a critical contribution to conflict prevention and the fight against impunity and corruption. However, civil society was sometimes seen as a threat. Jailing critics and suppressing peaceful dissent did not make society safer; on the contrary, it drove legitimate and constructive opinions underground and deepened grievances. Everyone gained from the freedom to speak out, criticize public policies and demand government accountability, as it fostered social cohesion and contributed to innovation and economic

progress. No Member State liked to be criticized, but it was sometimes helpful for Governments to consider whether there was room for improvement, just as it had been very useful for her to receive feedback from Member States, in particular their concerns that OHCHR should uphold the principles of universality, indivisibility, transparency, non-selectivity, objectivity and non-discrimination and that the Human Rights Council needed to be more effective.

112. It was more important than ever for States, as primary duty bearers, to create and preserve a safe and enabling environment for civil society actors, including children, in which they could contribute to the promotion and protection of all human rights without discrimination. Member States bore the primary responsibility for ensuring and facilitating broad decision-making and participation, including in implementation of the 2030 Agenda. OHCHR placed special emphasis on Sustainable Development Goal 16 on the promotion of just, inclusive and peaceful societies, and was spearheading the monitoring of indicators on human rights defenders and national human rights institutions.

113. OHCHR had been addressing religious intolerance and incitement to national, religious and racial hatred, including follow-up work relating to the Istanbul Process, largely through its mandated reporting. Since 2013, there had been two annual resolutions and two separate subsequent reporting processes to the Human Rights Council and General Assembly, respectively, on the action plan contained in Human Rights Council resolution 16/18 and increased and improved reporting by Member States in fulfilment of those two resolutions in terms of effectively implementing Human Rights Council resolution 16/18 and combating intolerance. States could consider streamlining the parallel reporting processes, either in terms of context or focus, or by adjusting the reporting time frames. They could consider a single resolution on the topic in either the General Assembly or the Human Rights Council, or perhaps rotate the resolution between the two bodies.

114. With regard to human rights in the digital space, States had an obligation to protect the privacy of individuals from unlawful or arbitrary interference by Governments or private entities. The latest report of OHCHR on the right to privacy in the digital age (A/HRC/39/29) expounded on a number of worrying trends and provided guidance on appropriate responses. Targeted surveillance measures, when implemented in compliance with international human rights law, could be an effective and necessary tool for law enforcement or national security agencies. However, in some States there was inadequate national legislation and

enforcement, weak procedural safeguards and ineffective oversight, which contributed to widespread impunity for arbitrary or unlawful interference with the right to privacy. OHCHR was also concerned about other threats to privacy, such as attempts to weaken encryption capabilities and create backdoors in software and equipment, given that encryption and anonymity were crucial enablers of the right to privacy and the right to freedom of expression. Her Office would monitor developments in that regard. Some of her colleagues were on mission in Silicon Valley to discuss with companies how human rights principles could be integrated into the digital world and how the information available in the digital space could be useful to human rights work, including in early warning and early action.

115. As to the right to food, the recent rise in world hunger called for a more robust human rights response. However, it was also important to tackle climate change, conflict and economic recession, since they tended to have a greater impact on the most marginalized groups. OHCHR would therefore continue to work with the Food and Agriculture Organization of the United Nations on policy coherence between human rights, food security and nutrition, on climate change mitigation and adaptation, and on cultivating a good consumption culture to avoid throwing away food that so many others needed to survive.

116. OHCHR had issued a report in early 2018 detailing the considerable progress made in consolidating the database of business enterprises engaged in certain specified activities related to the Israeli settlements in the Occupied Palestinian Territory. To date, OHCHR had determined that 68 companies were involved in one or more of the specified activities, of a total of 206 that were under review. OHCHR had informed those companies of their inclusion in the database and the procedure for removal. All remaining companies about which information had been received had been contacted, and OHCHR would continue to review the responses received. The Human Rights Council would probably be in possession of all the information requested by early 2019.

117. Internal displacement was an issue that OHCHR continued to follow closely, most notably through the Special Rapporteur on the human rights of internally displaced persons, in cooperation with United Nations partners. The year 2018 marked the twentieth anniversary of the adoption of the Guiding Principles on Internal Displacement, and OHCHR supported the plan of action initiated by the Special Rapporteur that would look at how to prevent, respond to and find solutions to internal displacement. Ensuring OHCHR addressed the

plight of internally displaced persons was consistent with key commitments made in the 2030 Agenda and the pledge to leave no one behind.

118. Regarding coordination of the four mechanisms on Myanmar, her Office was looking, *inter alia*, at ways to work with Governments and the United Nations system. All the mechanisms were complementary.

119. Her Office had organized the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights during the thirty-sixth session of the Council in September 2017 and supported the mandate of the Special Rapporteur on the subject. All Member States must avoid the application of any coercive measures that had a negative impact on human rights, especially those of the most vulnerable. Even carefully targeted sanctions imposed to end gross human rights violations must be subject to stringent conditions; in particular, they must be imposed no longer than necessary, they must be proportional and they must be subject to appropriate human rights safeguarding, including human rights impact assessments and monitoring conducted by independent experts. As mentioned by OHCHR on several occasions, there should be no military intervention in any region.

The meeting rose at 12.50 p.m.

**General Assembly**

Seventy-third session

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Third Committee**Summary record of the 18th meeting**

Held at Headquarters, New York, on Monday, 15 October 2018, at 3 p.m.

Chair: Mr. Saikal (Afghanistan)**Contents**Agenda item 74: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

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The meeting was called to order at 3.05 p.m.

Agenda item 74: Promotion and protection of human rights (continued)

- (a) **Implementation of human rights instruments (continued)** (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)
- (b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** (A/73/138, A/73/139, A/73/139/Corr.1, A/73/152, A/73/153, A/73/158, A/73/161, A/73/162, A/73/163, A/73/164, A/73/165, A/73/171, A/73/172, A/73/173, A/73/175, A/73/178, A/73/179, A/73/181, A/73/188, A/73/205, A/73/206, A/73/210, A/73/215, A/73/216, A/73/227, A/73/230, A/73/260, A/73/262, A/73/271, A/73/279, A/73/310/Rev.1, A/73/314, A/73/336, A/73/347, A/73/348, A/73/361, A/73/362, A/73/365, A/73/385 and A/73/396)
- (c) **Human rights situations and reports of special rapporteurs and representatives (continued)** (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398 and A/73/404)
- (d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** (A/73/36 and A/73/399)

1. **Mr. Modvig** (Chair of the Committee against Torture) said that 2018 marked the seventieth anniversary of the Universal Declaration of Human Rights, a major human rights instrument that banned torture. The Convention against Torture was one of the strongest tools available in the fight against torture, providing not only for the prohibition of torture, but also for measures to prevent torture and provide redress to victims.

2. There were currently 164 States parties to the Convention, following ratification by the Bahamas and the Gambia and the accession of the Marshall Islands in 2018. The remaining United Nations Member States should become party to the Convention in order to collaborate with the Committee in their attempts to eradicate torture. The Committee remained grateful to the Convention against Torture Initiative, which played a crucial role in increasing the number of States parties to the Convention.

3. The failure of some States parties to respect their reporting obligations had been addressed by the Committee in three main ways. First, the Committee had

twice in its history reviewed the implementation of the Convention by a State party which had not submitted its initial report. At its sixty-fourth session, a decision to that effect had prompted the delegation to submit its report and to become the first State party to participate in the Committee via videoconference. While videoconferencing was not ideal for constructive dialogue, such options could be used in cases when direct attendance in Geneva was impossible and the alternative would be no dialogue whatsoever. Second, the Committee had decided to offer a simplified reporting procedure for long-overdue initial reports. That decision had been positively received by most States even though it created additional work for the Committee and the Secretariat. To increase the use of simplified reporting procedures, as the Committee had repeatedly been encouraged to do, budget allocations to its secretariat and subcommittees would need to increase. Third, the Committee had convened a meeting with States parties yet to have submitted initial reports in order to identify the challenges they faced. During the meeting, participants had discussed the option of using the simplified reporting procedure for initial reports. After the meeting, several States parties had committed to submitting their initial report within one year.

4. In accordance with article 22 of the Convention, the Committee could also receive individual communications. Since 1989, it had registered 885 individual complaints concerning 40 States parties. Of those, 265 had been discontinued and 104 had been found inadmissible. Final decisions on 365 communications had been issued, of which the Committee had found violations of the Convention in 143 cases, corresponding to 39 per cent of communications. There was currently a backlog of 160 individual complaints and the Committee was prioritizing all communications that were ready for review. It was vital, however, for the Secretariat to be provided with additional staff resources, otherwise the Committee would be unable to clear its backlog.

5. The Committee had established an intersessional working group to deal with communications more effectively. In developing procedures in that regard, the Committee was also building on the experience of the Human Rights Committee. Although the format of the intersessional working group was not in its final form, the initiative would improve case-processing capacity.

6. The Committee continued to assess States parties' implementation of its decisions on individual complaints by evaluating written follow-up reports and engaging the delegation concerned in a constructive dialogue. It was estimated that 45 per cent of the follow-up recommendations to State party reports had been

partially implemented. Recent research indicated that across all human rights treaty bodies, 23 per cent of recommendations on individual communications were being implemented. While an implementation rate of 100 per cent would be desirable, by fulfilling treaty body recommendations, States parties were at least making headway towards the eradication of torture.

7. The Committee's recent adoption of general comment No.4 on the implementation of article 3 of the Convention in the context of article 22 would guide and facilitate compliance with the principle of non-refoulement, which remained a prevailing theme in individual complaints. Prior to its adoption, extensive consultations had been held with States, civil society and other relevant entities, in accordance with the guidelines agreed and aligned across treaty bodies regarding the consultation process for draft general comments.

8. The Committee had carried out 10 confidential inquiries since it had been established. The inquiries procedure remained a key tool for responding to allegations of systematic practice of torture in States parties.

9. As recommended by the General Assembly in its resolution 68/268 and at the Annual Meeting of Chairpersons of the Human Rights Treaty Bodies, the Committee regularly reviewed its working methods, with a view to harmonizing them with other treaty bodies and promoting the full implementation of the Convention. In 2017, the Assembly had not respected the provision under resolution 68/268 to allocate sufficient resources to the treaty body system to ensure its functioning and the effective processing of the backlog of cases and reports. On the contrary, it had allocated additional meeting time but not the staff resources needed, thereby affecting the entire treaty body system. He called on Member States to support the draft resolution which endorsed the conclusions and recommendations contained in the report of the Secretary-General on the status of the human rights treaty body system (A/73/309), in particular, recommendations on the need for resources to be commensurate to the increasing workload and for webcasting of treaty body sessions of all Committees to be funded from the regular budget.

10. During its sixty-fourth session, the Committee had discussed the treaty body strengthening process and related proposals, following a suggestion made during the Annual Meeting of Chairpersons for the ten treaty bodies to develop a common position, which would be prepared in the first half of 2019 and submitted in time

for the review of the effectiveness of the human rights treaty body system in 2020.

11. United Nations anti-torture mandate holders, specifically the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, had prioritized cooperation and coordination through joint activities and statements. On 26 June 2018, they had issued a joint statement to mark the United Nations International Day in Support of Victims of Torture, joined for the first time by the Committee for the Prevention of Torture in Africa, the Inter-American Commission on Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

12. He called on States parties to endorse the contributions of national human rights institutions, national preventive mechanisms and civil society organizations, which were critical to the Committee's work. He encouraged them to work with the Committee to make sure that no partners risked being subjected to reprisals or sanctions for collaborating with the Committee.

13. **Mr. Forax** (Observer for the European Union) said that the European Union strongly supported the work of the Committee against Torture, which every year brought the international community closer to universal ratification of the Convention. Despite its increasing workload, the Committee had managed to share its expertise at various meetings and seminars relevant to its mandate. He asked what further measures could be taken to lighten the Committee's workload and reduce the disturbingly high number of States parties that failed to comply with their reporting obligations under article 19 of the Convention.

14. **Ms. Diedricks** (South Africa) said that her Government welcomed the introduction of the simplified reporting procedure following complaints by many States about the onerous reporting burden. She took note of the reference in the Committee's report (A/73/44) to the first joint meeting between the Committee and judges and secretariats from the European Court of Human Rights and the Inter-American Court of Human Rights, held in December 2017. The Committee would benefit from similar interactions in the future, as it could discuss issues of common interest and share information on individual complaints procedures and jurisprudence.

15. **Mr. Kashaev** (Russian Federation) said that the consideration of his country's sixth periodic report in

July 2018 had exemplified several problems that his delegation had referred to in the past. The Committee had again demonstrated its arbitrary interpretation of the provisions of the Convention by raising issues outside its mandate. Its attempts to interfere in areas in which it lacked expertise, such as territorial sovereignty and the settlement of disputes between States, were unacceptable and a cause for concern. Committee members would also do well to remember that general comments were expert opinions by members of treaty bodies but imposed no additional obligations on States. Furthermore, his delegation had found the simplified reporting procedures to be less effective and focused, since it had often had to repeat information in its replies that it had already provided in its submissions. It was a waste of resources to prepare replies under the simplified procedure if experts lacked even a superficial knowledge of the material submitted to them. He wondered whether it might be necessary to draft a code of conduct, not least to encourage good discipline among treaty body experts.

16. **Mr. McElwain** (United States of America) said that torture was contrary to the founding principles of the United States and the universal values of the international community. The United States had played a key role in bringing the Convention against Torture into force and remained a leader in efforts to end torture worldwide and address the needs of torture victims. Torture was prohibited under customary international law, including the Geneva Conventions of 1949 and the International Covenant on Civil and Political Rights, to which the United States was a party. The United States prohibited, without exception or equivocation, all forms of torture and cruel, inhuman and degrading treatment or punishment.

17. His Government continued to support the United Nations Voluntary Fund for Victims of Torture and other programmes providing for assistance and counselling services to victims of torture. Moreover, the United States supported efforts by other nations, international bodies and non-governmental organizations to eradicate torture through the provision of human rights training to security forces, the improvement of prison and detention conditions and the development and enforcement of strong laws against torture. His delegation called on all countries to meet their obligations and commitments to prevent torture, investigate all credible allegations of torture and hold accountable individuals found responsible for such acts.

18. **Ms. Oçari** (Liechtenstein) said that her delegation appreciated the adoption of general comment No. 4 since the principle of non-refoulement was one of the cornerstones of the international regime against torture

and in the promotion of human rights. She requested more details on current global trends related to non-refoulement, especially in the context of international migration.

19. **Mr. Olsen** (Denmark) said that his country welcomed the Committee's decision to adopt guidelines on the receipt and handling of allegations of reprisals, which included clear recognition of the value of the Guidelines against Intimidation or Reprisals. He wondered what States parties could do to more effectively respond to continued reports of intimidation and reprisals against individuals and groups.

20. The report (A/73/44) indicated that the simplified reporting procedure had significantly increased the Committee's workload because of the need to draft a list of issues prior to reporting. He asked what measures could be taken to reduce that burden, without undermining the Committee's capacity to help States parties to fulfil their obligations.

21. **Ms. Nassrullah** (Iraq) said that her country was a party to the Convention against Torture and a member of the Group of Friends of the Convention against Torture Initiative. All forms of cruel, inhuman or degrading treatment were prohibited under the Constitution of Iraq, while its Criminal Code prohibited all forms of torture by law enforcement officers or other individuals investigating criminal activity. Furthermore, the 2003 law on the oversight of prisons and detention centres provided that all prisoners and detainees must be held in accordance with international standards, while the 1994 law on the conduct of State and public sector employees provided for the formation of a committee to investigate all allegations of assaults or torture perpetrated by public officials or other individuals responsible for the provision of public services. Individuals accused of those offences could be dismissed from their positions and brought before the courts, which imposed appropriate penalties on offenders.

22. Allegations of torture could be communicated to numerous Iraqi offices and authorities, including the human rights departments at the Ministries of the Interior, Justice, Defence, and Labour and Social Affairs, the Office of the Public Prosecutor, including through its offices located in Iraqi detention centres, the Commission on Integrity, the High Commission for Human Rights and the Kurdistan Region Independent Human Rights Commission, as well as through Iraqi civil society organizations. Furthermore, under Iraqi law, a victim of any act of torture or mistreatment was entitled to sue for damages before the courts in respect of any physical or psychological harm suffered as a result of that act.

23. **Mr. El Mkhantar** (Morocco) said that Morocco had been one of the founding members of the Convention against Torture Initiative, launched in March 2014 to promote the universal ratification of the Convention. In October 2018, the Initiative had arranged a workshop in Dakar on legislative drafting techniques for anti-torture laws, the sixth event of its kind to be held in Africa. Countries of the Initiative had been able to build their capacity and exchange best practices, supported by numerous partners and the increasing number of countries that had ratified the Convention. Although the approach employed by the Initiative, which combined cooperation and persuasion, had proven effective, States must follow up ratification with the establishment of a national legislative framework that translated objectives into reality. Morocco had entered into partnership initiatives with several countries, with the aim of improving ratification of and compliance with the Convention through exchanges of experiences and best practices.

24. **Ms. Charrier** (France) said that her delegation commended efforts by the Committee to encourage States parties to comply with the Convention and by the Subcommittee to promote the development of national preventive mechanisms. While welcoming the number of new ratifications of the Convention and its Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2018, she encouraged Member States which had not yet done so to sign and ratify the two instruments. France would fight to prevent the impunity of perpetrators of torture and cruel, inhuman and degrading treatment or punishment and defend all victims of such acts.

25. **Mr. Modvig** (Chair of the Committee against Torture) said that the simplified reporting procedure could never entirely solve the problem of the reporting burden faced by Member States. If, for example, the human rights treaty bodies did not coordinate sufficiently or set inflexible deadlines, Member States might have to submit numerous reports in the same calendar year. The reports under the simplified procedure could also be made even more focused.

26. Although the new procedures burdened the Secretariat with the task of developing a list of issues prior to reporting, that bottleneck was frontloaded. In the context of the treaty body strengthening process, the Committee had considered numerous ways of reducing experts' workload or increasing capacity. It currently reviewed 18 State party reports per year, but if all countries ratified the Convention and began reporting every four years, that number would increase to about 50. Although there were viable solutions, such as no

longer involving all experts in every issue, those would not necessarily reduce each expert's workload.

27. Earlier, he had mentioned three initiatives to address late reporting: reviewing States parties before they had submitted their initial reports, including by video link; introducing the simplified reporting procedure for long-overdue initial reports; and meeting certain States parties to identify challenges they faced. In addition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had funds available for smaller Member States struggling to submit reports in time owing to a lack of capacity. Member States could also draw on support provided by the Convention against Torture Initiative — a resource not available to other human rights treaty bodies.

28. Turning to global migration trends, he said that procedures to protect immigrants were sometimes superficial and failed to provide necessary protection to persons who should be granted refugee status. Torture victims were often not properly identified among asylum seekers, did not receive appropriate treatment and lived in unacceptable conditions.

29. He disagreed that the Committee had exceeded its mandate during its consideration of the Russian Federation periodic report. Indeed, both the Russian delegation and members of the Committee had previously stated that the dialogue had been very useful.

30. **Sir Malcolm Evans** (Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), introducing the eleventh annual report of the Subcommittee (CAT/C/63/4), said that the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified by 88 countries. While that was an impressive number, almost half of the States parties to the Convention had yet to commit themselves to the prevention of torture through the Optional Protocol system. The best way to fulfil the obligation under the Convention to take preventive measures was through the ratification of the Optional Protocol. Although States were routinely called upon during universal periodic reviews to ratify the Optional Protocol, the General Assembly did not accord equal priority to the ratification of the Optional Protocol in its resolutions on torture. Equal importance should be given to prevention and prohibition in the forthcoming resolution.

31. Afghanistan, Australia, Sri Lanka and the State of Palestine had ratified or acceded to the Optional Protocol in the past year. Those countries were obliged to establish national preventive mechanisms within one year of ratification, with the exception of Australia,

which had made a declaration under article 24 of the Optional Protocol postponing its obligation. It was vital for the Subcommittee to establish contact with countries as soon as possible to ensure that effective mechanisms were put in place. Ideally, the Subcommittee should make a short visit to all newly ratifying States as a matter of routine, but the lack of resources prevented it from always doing so. More than 60 national preventive mechanisms had been established, and Argentina and Cambodia had recently been removed from the list of countries in which the establishment of mechanisms was significantly overdue. Nevertheless, the list remained too long, comprising Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Chile, the Democratic Republic of the Congo, Gabon, Liberia, Nauru, Nigeria, Panama and the Philippines. Although the obligation to establish a national preventive mechanism was a central element of the Optional Protocol and all States were offered advice and technical assistance in that regard, some States appeared not to take their obligations seriously. Nevertheless, the Subcommittee remained fully committed to working constructively with those countries.

32. Another key obligation of States parties was to receive visits from the Subcommittee. Owing to a shortage of staff, however, the Subcommittee had been forced to reduce the number of visits in the past year by 20 per cent, to about eight visits. The Subcommittee should visit countries with roughly the same frequency as the reporting cycles of other human rights treaty bodies, but it was currently able to visit countries every 11 years, which was insufficient. The point of prevention was not to investigate allegations or hold individuals or countries to account, but rather to make constructive recommendations to reduce the risk of ill-treatment and engage in discussion to bring about positive change. Nevertheless, some States still considered visits of the Subcommittee to be hostile in nature. The integrity of the Optional Protocol system was dependent upon the Subcommittee being able to carry out visits at the time and to the places of its choosing, to have unfettered access to all persons and all parts of detention facilities and to speak in privacy with detainees.

33. In a welcome development, the trend of States showing reluctance to accept visits had been reversed, and most States now understood and accepted the mandate. However, the Subcommittee had decided to terminate its visit to Rwanda owing to its inability to undertake the visit in accordance with the terms of the Optional Protocol. In the past year, visits had been undertaken to Belize, Burkina Faso, Kyrgyzstan, Morocco, Poland, Portugal, Spain and Uruguay. Future

visits to Burundi, Costa Rica, Liberia, Senegal and Switzerland had been announced.

34. The work of the Subcommittee could be even more effective were more time and resources to be devoted to the implementation of recommendations. Post-visit dialogues could be improved considerably and were best conducted in person with a report to consider, although that tended to be the exception and not the rule. In that regard, the Subcommittee now benefited from some support from OHCHR.

35. The Subcommittee, in its reports, set out in some detail the problems identified during its visits. The content of the reports rarely came as a huge surprise to the States themselves, showing that States were aware of the realities of their detention systems and that the Subcommittee was able to identify those realities. Such shared understanding provided a good basis for constructive discussion. However, the fact that those realities were known but no action had been taken was dispiriting and reinforced the need for the Optional Protocol and its mechanisms to serve as a catalyst for change.

36. The Subcommittee currently had only three weeks per year for its plenary session, which was not enough time. Although an additional week of plenary meetings had been approved in 2017, no additional staffing resources had been provided, rendering it impossible to use the additional time. It was most unfortunate that the General Assembly had given the appearance of action but had ensured that in reality nothing changed.

37. During the year, the Subcommittee had concluded an understanding with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on ways to enhance its work with the Council of Europe, as mandated by article 31 of the Optional Protocol. The Subcommittee had also contributed to the publication *Preventing Torture: The Role of National Preventive Mechanisms and the Alliance for Torture-Free Trade*. Following a strategic pause, the Special Fund established by the Optional Protocol had been able to resume its grant programme thanks to donations from Argentina, Czechia, France, Germany, Norway and Spain.

38. **Ms. Cruz** (Spain) said that the Subcommittee had recommended that the national preventive mechanism of Spain, which was part of the Office of the Ombudsman, should enjoy operational and financial autonomy and have more staff. The Ombudsman Act guaranteed the autonomy of the Office from other authorities, and the Ombudsman received a national budget allocation. Spain welcomed the professionalism and spirit of cooperation with which the Subcommittee

had carried out its visit to the country in September 2017. The Subcommittee had submitted its report and recommendations to Spain in March 2018. Spain had responded to the recommendations and published the report and its reply.

39. **Ms. Příkrylová** (Czechia) said that, in view of the forthcoming election of new members to the Subcommittee, States parties should respect the criteria set out in article 5 of the Optional Protocol, including the requirement of the independence of candidates. She asked for the best examples of cooperation from the recent visits of the Subcommittee to States parties. She would be interested to know whether any States parties were refusing to cooperate in the preparation of the Subcommittee's visits.

40. **Mr. Forax** (Observer for the European Union) said that his delegation would be interested to learn how the access of national preventive mechanisms to places where people were being deprived of liberty could be improved. He asked for further elaboration on the preventive package mentioned earlier, in particular in relation to the question of insufficient resources. How could the European Union be of help in that context?

41. **Mr. Olsen** (Denmark) asked to hear more about specific and prevalent trends that hindered national preventive mechanisms in fulfilling their mandate. With regard to the need for national preventive mechanisms to be empowered to deliver the whole preventive package, he wished to know where specifically States parties should focus in order to ensure that national preventive mechanisms were able to fulfil their entire mandate.

42. **Sir Malcolm Evans** (Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that, to be effective, national preventive mechanisms must not only be independent and sufficiently well resourced, but also have a clear mandate, preferably enshrined in law. It was equally important for mechanisms to understand the nature of preventive visiting and be able to visit places of detention to gain a direct understanding of the situation. They should also be able to engage with the State at a high level about laws, policies and practices relating to places of detention. More could be done to ensure that they had sufficient influence in that regard. A frequent obstacle to the effective work of national preventive mechanisms was the lack of a tradition of openness of places of detention. As an international body, the Subcommittee had a vital role to play in leading the discussion of how to get the most out of national preventive mechanisms. The international community should support the creation of networks of

national preventive mechanisms in regions and subregions to enable mechanisms to support and learn from each other.

43. With regard to best practices of cooperation, it had been pleasing to note the reduction over the past year in pushback against the exercise of the Subcommittee's mandate. Visits were greatly facilitated when the Subcommittee was able to establish contact with the State party as early as possible. However, States parties often submitted the information requested by the Subcommittee to help to prepare for its visits too late, making the process more difficult than it should be. The sooner preparatory conversations began, the sooner the Subcommittee could begin to build relationships, which would hopefully enhance the post-visit dialogue, the most important part of the process. Visits should be seen as a holistic exercise with a number of elements feeding into prevention. All those elements must be valued, not just the arrival and departure of the Subcommittee, but also the preparations for, conduct of and follow-up to the visit. The Subcommittee looked forward to its post-visit dialogue with Spain following its recent country visit. It encouraged all States to consider publishing visit reports and replies.

44. **Mr. Melzer** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment), said that his recent activities had included country visits to Serbia and Kosovo,¹ Argentina and Ukraine, and new invitations had been received for visits to the Comoros, Mongolia and Paraguay, while invitations to visit Libya and Spain remained pending. States that had not yet responded to requests for visits were encouraged to do so. Although communications continued to be transmitted daily on behalf of individuals at risk of torture and other ill-treatment, the insufficient resources available to special procedures mandate holders impeded their ability to take up cases and effectively follow up on States' responses or lack thereof. Continued support from Norway and Switzerland had been instrumental to the preparation of his thematic reports to the Human Rights Council (A/HRC/37/50) and the General Assembly (A/73/207) and to the impact generated by extended social media outreach.

45. Presenting his interim report on the seventieth anniversary of the Universal Declaration of Human Rights: reaffirming and strengthening the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (A/73/207), he said that, despite unprecedented efforts and achievements by States since 1948 towards implementing the absolute prohibition of

¹ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

torture and ill-treatment, the practice continued with impunity throughout the world. The report outlined five areas of primary concern covering the numerous and multilayered reasons for that reality. Recommendations on how best to address those challenges were focused primarily on measures to be taken at the national level.

46. The increasing acceptance by some segments of public opinion, including parts of the political establishment, that such an abhorrent practice should be permissible in certain circumstances or against certain groups, was alarming, as were the dehumanizing ideologies and practices accompanying that trend. With the world currently at risk of backsliding on one of the most important achievements in human history, namely, the universal recognition of the absolute, non-derogable and peremptory prohibition of torture and ill-treatment under the same terms as the prohibitions on slavery and genocide, it was essential to address those challenges in order to deliver on the promise, made seventy years earlier, of human dignity for all members of the human family.

47. **Mr. de Souza Monteiro** (Brazil), agreeing that migration should not be seen as a threat that might exempt States from complying with international laws and peremptory norms, said that the impacts of the prolonged or indefinite detention of migrants, especially those in vulnerable situations, could amount to torture and ill-treatment. Brazil had enacted legislation based fully on the protection of the human dignity of migrants and repealing both the criminalization of migrants and the forcible deterrence of migration flows. He asked how States could develop reliable systems of data collection to foster a better understanding of the prevalence of victims of torture and ill-treatment among migrant populations, the causes of and circumstances for such abuse, the specific needs of the victims and their experiences upon return.

48. **Mr. Tennakoon** (United Kingdom) said that torture continued to be committed with impunity in many parts of the world. The United Kingdom abided by its commitments under international law and expected all countries to comply with their legal obligations to respect human rights regardless of the conditions and status of the individual. As a long-standing supporter of the Convention and its Optional Protocol, his country urged States that had not yet done so to consider signing, ratifying and implementing both. He wondered what action States could take to broaden participation in the Optional Protocol.

49. **Mr. Castillo Santana** (Cuba) said that, prior to the Cuban revolution in 1959, torture and cruel, inhuman and degrading treatment had been commonly practiced

by the authorities, culminating in the bloody dictatorship of Fulgencio Batista, whose henchmen had received safe haven in the United States of America. Since becoming a State party to the Convention against Torture in 1995, Cuba had complied with its obligations by taking measures to prevent the occurrence of the acts prohibited under the Convention. His delegation would welcome more details on what mechanisms could be implemented or avenues taken to ensure an end to, and justice and compensation for, serious violations of human rights and acts of torture committed by the United States at the Guantanamo Bay detention camp, on territory usurped from his country.

50. **Mr. Kashaev** (Russian Federation) said that some States, for political interests and aims, were increasingly violating the principles of the rule of law and the integrity and independence of the judicial system and denying people access to justice. As a result, cases of torture went unpunished and victims were able neither to appeal against the actions of the authorities nor to receive compensation. The clearest example of that was the infamous Guantanamo prison, which, despite the claims of the United States of America to be a global leader in human rights, remained a pressing concern with respect to bringing to justice those responsible for authorizing and using torture methods in interrogations of terrorism suspects. In Ukraine, the law enforcement bodies continued to abduct and illegally detain citizens, often subjecting them to cruel treatment, torture and violations of their procedural rights.

51. The principle of extraterritoriality continued to be invoked as a reason for abducting people from third countries, counter to international law and often resulting in inhuman treatment. Gross violations of the rights of the Russian citizens Konstantin Yaroshenko and Victor Bout, who had been abducted from third countries by the United States of America, were systematically carried out by the United States authorities.

52. **Ms. Fréchin** (Switzerland) said that the prohibition on torture continued to be violated too frequently, with legislation often not implemented and the absolute and non-derogable nature of the prohibition guidelines not respected, under the guise of combating terrorism. Any violation of the principle of non-refoulement with the goal of ending migratory flows should also be renounced. Switzerland was concerned about the outsourcing of acts of torture, as described by the Special Rapporteur, and urged heightened vigilance over the contracting out of State functions. Noting persistent inequalities with regard to torture and exposure to violence and abuse, she also wondered which among the groups of persons in vulnerable or irregular situations faced the highest risk of ill-treatment.

53. **Ms. Diedricks** (South Africa) said that her delegation agreed that non-State actors, in particular transnational corporations and other business enterprises, should be held accountable for violence and abuse carried out against individuals and populations and that the elaboration of a legally binding instrument regulating such activities should become a priority for all States. While domestic violence and corporal punishment were also deplorable acts that should not be tolerated under any circumstances, they should not be equated with torture. States should, however, be held accountable and condemned for their increasingly repressive human rights policies and practices worldwide and the growing number of detentions without due process. With regard to increasing public tolerance and the justification of acts of torture and other ill-treatment, including the use of language meant to inflame hatred against others, States should act responsibly, as such acts were unjustifiable hate crimes that should be punishable by law.

54. **Ms. Příkrylová** (Czechia) requested clarification on how States could support the mandate of the Special Rapporteur in ensuring that fully independent national, international and non-governmental complaint, investigation and monitoring mechanisms, established in accordance with the Optional Protocol, were given full access to places where people might be deprived of liberties or otherwise exposed to torture or ill-treatment.

55. **Mr. Yaremenko** (Ukraine) said that Ukraine had no access to places of detention in Crimea and in some parts of the Donetsk and Luhansk regions, which had been temporarily occupied by the Russian Federation since 2014. According to reports by the Office of the United Nations High Commissioner for Human Rights, in particular the report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 13 September 2017 to 30 June 2018, State agents of the Russian Federation in Crimea continued to apply prohibited practices against people in detention or in the time between their de facto deprivation of liberty and formal placement in detention. Calling attention to the case of Oleg Sentsov, a political prisoner who had been illegally transferred from Crimea to the Russian Federation with no access to Ukrainian government or consular representatives, he requested information on what could be done, under existing rules and in accordance with the Special Rapporteur's mandate, to establish access to people who had been illegally detained, both in the territory of the Russian Federation and in the occupied Ukrainian territories.

56. **Ms. Rasheed** (Observer for the State of Palestine) said that the Palestinian people, including children, living under military occupation in occupied Palestine

for fifty years, had been subjected to ill-treatment and, in some cases torture, especially while being held in Israeli prisons and detention centres. Under the Fourth Geneva Convention, States' obligation to protect vulnerable persons from all acts of violence and threats to their safety and well-being also extended to Occupying Powers. She asked what measures must be taken by the international community to compel Israel to put an end to its continued use, with complete impunity and in violation of international, humanitarian and human rights law, of all forms of violence, including physical and psychological torture, against Palestinian detainees and prisoners and to hold the Occupying Power accountable for its actions, especially against Palestinian children. Her delegation firmly supported the Special Rapporteur's recommendation on establishing preventive safeguards against torture and ill-treatment throughout all institutions, mechanisms and procedures.

57. **Mr. Forax** (Observer for the European Union) said that the European Union was strongly committed to ensuring respect for the universal and absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and that it found the Universal Declaration of Human Rights as relevant and important currently as it had been upon its adoption 70 years earlier. He would be grateful if the Special Rapporteur could identify one or two of his recommendations that could form a starting point for State parties and provide examples of best practices in the field of data collection that would help in better understanding of the prevalence of torture and ill-treatment.

58. **Mr. McElwain** (United States of America) said that acts of torture and ill-treatment dehumanized victims, perpetrators and the societies in which they were tolerated. The United States categorically condemned all acts of torture and other cruel, inhuman or degrading treatment or punishment, as well as evidence of their recurrence worldwide, and reaffirmed its commitment to respecting the absolute prohibition on those practices. Regretting the existence of many examples of such practices and citing particular instances in the Russian Federation, Syria, China and Venezuela, the United States called on all countries to uphold their international obligations and commitments, investigate all credible allegations of torture and hold accountable any individuals found responsible for such acts. It would be useful to learn what steps could be taken to involve civil society and other third-party actors in preventing such practices.

59. **Mr. Olsen** (Denmark) requested guidance on how Government leaders could best combat the violent and discriminatory political narratives hindering the

absolute prohibition of torture and ill-treatment and how the Convention against Torture Initiative, launched in 2014 by five States, including Denmark, and other similar organizations could work to increase the universal ratification and improved implementation of the existing international framework.

60. **Ms. Solbraekke** (Norway) said that respect for the dignity and sanctity of life was fundamental in a society governed by law. Torture was the most serious violation of the right to personal integrity and dignity and its widespread use gave cause for great concern. Having taken note of the reasons given by the Special Rapporteur for the lack of full implementation of its prohibition and his concerns regarding counter-terrorism and national security, her delegation would appreciate further details on how States could be encouraged to reaffirm the absolute and non-derogable character of the prohibition and to open investigations into allegations of torture and ill-treatment.

61. **Mr. Aldahhak** (Syrian Arab Republic) said that Member States must not ignore the ongoing inhuman treatment of the Arab population of the Arab territories occupied by Israel, including the occupied Syrian Golan. Syria strongly condemned the numerous human rights violations that had been perpetrated by the United States of America over many decades in many countries. The United States had, *inter alia*, tortured detainees held at Abu Ghraib and Guantanamo prisons and at secret detention sites, and it continued to use illegal weapons, including white phosphorus, against civilian populations, including civilians in Syria. It also strongly condemned the imposition of unilateral coercive measures by the United States and some of its allies, which amounted to acts of collective punishment against entire populations, as well as the collective punishment of refugees, including refugee children, who were separated from their parents by the authorities in flagrant violation of the most fundamental human rights principles. The representative of the United States of America had no right to lecture other States on the importance of human rights while his own Government continued to perpetrate systematic human rights abuses against civilians worldwide.

62. **Mr. Melzer** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that it was important that support for the absolute and non-derogable prohibition of torture and ill-treatment remained universal. While he shared concerns expressed about specific contexts, he could not speak about situations in countries he had not visited or about which he had no detailed knowledge. With regard to how international law should be enforced in specific cases, the international community must take his reports

into account and decide on the appropriate actions to take, through the mechanisms established for that purpose.

63. While best practices on organizing data collection systems might vary according to needs and context, it was important to collect systematic and representative data in order to ensure individualized assessment procedures for every person claiming protection from torture or ill-treatment. Given that millions of people currently on the move were already known to have been victimized, it was essential to avoid fast-track proceedings through readmission agreements that automatically deported people with blanket diplomatic assurances. Border protection authorities in first contact with arriving migrants, especially those operating on vessels far from mainland borders, must be trained in conducting individualized assessments in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), so that victims could be identified and the psychological and physical traces of torture assessed through an approved and universally recognized scientific and medical procedure.

64. There was no simple answer to the question of who, globally, faced the highest risk of torture and ill-treatment. The key lay in identifying specific patterns: whichever group was most likely to be marginalized in a given context was the one most exposed to prejudice, ill-treatment and abusive practices, at all levels of the judicial system. It was therefore important for political narratives to avoid marginalizing and discriminatory language that increased those tendencies and for policies to proactively address those risks in all mechanisms where such treatment could occur.

65. While violence by non-State actors did not automatically equate to torture and ill-treatment, as in the case of domestic violence, the involvement of the State did not have to be direct by overt act for the Convention against Torture to apply; its consent could suffice. Therefore, where such non-State actions or practices were known and widespread but government authorities refused to intervene to protect their populations against them, there was an arguable case for a violation of the prohibition, which the Special Rapporteur would make an effort to clarify further in his work.

66. The strongest avenue for States towards improving independent monitoring was through the Subcommittee on Prevention of Torture, which had greater resources than his mandate, combined with the national preventive mechanisms foreseen under the Optional Protocol.

Encouraging the ratification of both instruments by States was therefore an important step, as it demonstrated their willingness to take their obligations under the Convention seriously and to implement them in practice through the establishment of the duty to create such national mechanisms. There was, however, no blanket strategy for encouraging ratification and implementation by States. In situations of armed conflict, including in detention contexts, the International Committee of the Red Cross was in the best position to monitor and prevent ill-treatment, which could also involve non-State actors such as armed groups that would not feel bound by treaties and conventions.

67. The most important of his recommendations on migration would be the development by States of a system of sustainable pathways for safe, orderly and regular migration on the basis of protection, human rights and non-discrimination. The current lack of such a system pushed millions of migrants into involvement with smugglers and led to a vicious cycle of insecurity and exposure to abuse and law-breaking and a high prevalence of ill-treatment. Its creation should also be accompanied by the decriminalization of irregular migration, even while maintaining the rights of States to legally control the phenomenon.

The meeting rose at 5.10 p.m.

**General Assembly**

Seventy-third session

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Third Committee**Summary record of the 19th meeting**

Held at Headquarters, New York, on Tuesday, 16 October 2018, at 10 a.m.

Chair: Mr. Saikal (Afghanistan)
later: Mr. Kováčik (Vice-Chair) (Slovakia)

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The meeting was called to order at 10 a.m.

Organizational matters (A/C.3/73/2)

1. **The Chair**, recalling that, at its 14th meeting, the Committee had approved by a recorded vote a proposal to seek a legal opinion from the United Nations Legal Counsel, said that that legal opinion had been issued in a document containing an exchange of letters between himself and the Assistant Secretary-General in charge of the Office of Legal Affairs (A/C.3/73/2). In that regard, he took it that the Committee wished to invite the Independent Expert on the situation of human rights in Somalia to present his report and interact with the Committee.

2. *It was so decided.*

3. **The Chair** further suggested that, in view of the same legal opinion, the Committee should invite the Chair of the Commission of Inquiry on Burundi to present his report and interact with the Committee.

4. **Mr. Shingiro** (Burundi) said that his delegation had not endorsed the legal opinion provided, as the procedure for its issuance had been irregular and obscure. For example, the request had been conveyed to the Legal Counsel virtually minutes after the conclusion of the related vote. It was clear that the legal opinion, which constituted a recommendation and was not legally binding, was politically motivated. His delegation therefore requested a recorded vote on the proposal to invite the Chair of the Commission of Inquiry on Burundi to present his report to the Committee.

5. **Mr. Charwath** (Austria), speaking on behalf of the European Union in explanation of vote before the voting, said that European Union member States welcomed the clear opinion of the Office of Legal Affairs, which stated that there was a legal basis for the Third Committee to engage in a dialogue with the Chair of the Commission of Inquiry on Burundi, and upheld the principles of stability, legality and fairness. There were more than 60 mandate holders scheduled to engage with the Committee on issues important to the international community, and there should be no selectivity in the Committee's approach to them. In order to respect those States that had requested clarity on the issue, the European Union had not opposed the earlier proposal to seek a legal opinion, although it had voiced doubts about the need to do so. Now that the advice had been offered, it should be accepted. In that regard, European Union member States would vote in favour of the proposal and called on all Member States, especially those that had voted to extend the mandate of the Commission of Inquiry on Burundi in the Human Rights Council, to do the same.

6. *At the request of the representative of Burundi, a recorded vote was taken on the proposal to invite the Chair of the Commission of Inquiry on Burundi to present his report and interact with the Committee.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Angola, Bahrain, Belarus, Burkina Faso, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Eswatini, Gabon, Iran (Islamic Republic of), Libya, Mauritania, Morocco, Myanmar, Nicaragua, Russian Federation, Saudi Arabia, Sierra Leone, Sudan, Suriname, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bangladesh, Belize, Benin, Bhutan, Brunei Darussalam, Ethiopia, Gambia, Ghana, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Senegal, Singapore, South Africa, Sri Lanka.

7. *The proposal was adopted by 73 votes to 33, with 32 abstentions.**

* The delegation of the Congo subsequently informed the Committee that it had intended to vote against the proposal and the delegation of Montenegro that it had intended to vote in favour.

8. **Mr. Ajayi** (Nigeria) said that his Government had always sought to integrate human rights principles into national policy and worked to cooperate with other Member States to advise them on the tenets of human rights and related mechanisms. Nigeria had abstained from voting in order to remain consistent in its support for the universal periodic review process of the Human Rights Council, which was the only credible avenue to address human rights violations. Nigeria was neither derogating from its duties to the United Nations nor discarding its solidarity with any country unduly placed in the spotlight in respect of human rights questions.

9. **Ms. Shikongo** (Namibia) said that the universal periodic review was the only viable way for countries to reflect upon human rights considerations. Country-specific mandates polarized and politicized the Third Committee. However, the Committee should also recall General Assembly resolution 58/316 on further measures for the revitalization of the work of the General Assembly and its own long-standing practice of abiding by rules and procedures. Resolutions establishing the offices of mandate holders, whether or not all States agreed with their existence, had been passed by a democratic process. It was not within the Committee's purview to undermine the work of other bodies by revisiting their resolutions. The invitation extended to mandate holders was an established practice that contributed to the Committee's positive relationship with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Owing to its view that the Committee should not pick and choose the mandates reporting to it, Namibia had abstained from voting.

10. **Mr. Phiri** (Zambia) said that his delegation recognized the careful and serious consideration that the Legal Counsel had given to the question put to it. However, there appeared to be a breach in procedure. Human Rights Council resolution 39/14 of 2018 called on the Commission of Inquiry on Burundi to submit its final report at the seventy-fourth session of the General Assembly, while the conclusions of the legal opinion issued by the Legal Counsel relied on an earlier Human Rights Council resolution that had requested the report at the seventy-third session. That was a dangerous precedent.

11. **Mr. Khane** (Secretary of the Committee), responding to the delegation of Burundi, said that the possibility that the Committee would request a legal opinion from the Legal Counsel had been raised at the Committee's first meeting and he had duly alerted the

Office of Legal Affairs to that possibility. The Office of Legal Affairs had therefore already prepared a draft legal opinion, subject to the requisite clearances, when the Committee had made its formal request at its 14th meeting. For those reasons, the Committee's request and the response had been processed and issued quickly.

Agenda item 74: Promotion and protection of human rights (*continued*)

(a) **Implementation of human rights instruments** (*continued*) (A/73/40, A/73/44, A/73/48, A/73/56, A/73/140, A/73/207, A/73/264, A/73/281, A/73/282 and A/73/309)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/73/138, A/73/139, A/73/139/Corr.1, A/73/152, A/73/153, A/73/158, A/73/161, A/73/162, A/73/163, A/73/164, A/73/165, A/73/171, A/73/172, A/73/173, A/73/175, A/73/178/Rev.1, A/73/179, A/73/181, A/73/188, A/73/205, A/73/206, A/73/210, A/73/215, A/73/216, A/73/227, A/73/230, A/73/260, A/73/262, A/73/271, A/73/279, A/73/310, A/73/310/Rev.1, A/73/314, A/73/336, A/73/347, A/73/348, A/73/361, A/73/362, A/73/365, A/73/385 and A/73/396)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/73/299, A/73/308, A/73/330, A/73/332, A/73/363, A/73/380, A/73/386, A/73/397, A/73/398 and A/73/404)

(d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/73/36 and A/73/399)

12. **Mr. Mokhiber** (Chief, Development and Economic and Social Issues Branch, Office of the High Commissioner for Human Rights in New York), introducing the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development (A/HRC/39/18), said that the analysis of the right to development had focused on inequality among countries, taking into account the principles of self-determination and international cooperation, which had been codified in the Declaration on the Right to Development. Regarding self-determination, he underscored the need to preserve the policy space of countries.

13. Introducing the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/73/172), he said that seven States had submitted views which reflected both the positive and negative political, economic, cultural and social impacts of globalization.

14. Introducing the report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief (A/73/153), he said that governmental actions on those issues remained largely constitutional and legislative in focus and nature. There was therefore an urgent need for better implementation of the existing frameworks. It would also be useful to consider how elements of the action plan outlined in paragraphs 7 and 8 of Human Rights Council resolution 34/32 could be leveraged to address issues of discrimination, intolerance and violence based on religion or belief within the framework of the Sustainable Development Goals.

15. Introducing the report of the Secretary-General on the effects of terrorism and the enjoyment of human rights (A/73/347), he emphasized the potential critical role that human rights could play in preventing future acts of terrorism. Victims' rights to the truth and to remedies should be guaranteed in cases of human rights abuses caused both by acts of terrorism and by States' measures to counter terrorism.

16. Introducing the report of the Secretary-General on human rights in the administration of justice (A/73/210), he noted the essential role that an independent and impartial judiciary played in the implementation of access to justice and the protection of human rights.

17. Introducing the report of the Secretary-General on the status of the human rights treaty body system (A/73/309), he noted that the number of individual communications, inquiries and urgent actions had continued to increase. In that regard, additional resources, particularly for staff, were urgently needed to enable the United Nations to support Member States in meeting their treaty obligations.

18. Introducing the report of the Secretary-General on the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/73/230), he said that the Secretary-General had called for more coordinated efforts by the United Nations at the country level. In that regard, the

Secretary-General would explore the development of a system-wide approach to strengthening civil society space and guiding United Nations support for human rights defenders.

19. Introducing the report of the Secretary-General on the moratorium on the use of the death penalty (A/73/260), he said that women faced gender-based discrimination in the application of the death penalty, which was also used disproportionately against economically vulnerable individuals. In order to achieve universal abolition, States with moratoriums should strengthen policies against the death penalty, while abolitionist States should support other States in moving away from the death penalty by sharing good practices.

20. Introducing the report of the Secretary-General on missing persons (A/73/385), he said that persons were often reported missing in the context of armed conflicts and in situations of violence, insecurity, organized crime, disaster and migration. In that regard, greater efforts to ensure accountability were needed.

21. Turning to country-specific situations and introducing the Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/73/299), he said that while the number of executions in that country had significantly decreased, the continued use of the death penalty, particularly against juvenile offenders, remained a matter of concern. There had been encouraging developments regarding the protection of women from violence, although the prosecution of women who campaigned against compulsory veiling and codified discrimination against women in the civil law persisted. An intensified crackdown on protesters, the censoring of social media users and the targeting of journalists inside and outside of the country were also matters of concern. Furthermore, a persistent pattern of intimidation, arrest, prosecution and ill treatment of human rights defenders and lawyers had been reported. The Secretary-General had welcomed the enhanced cooperation between the Government of the Islamic Republic of Iran, on the one hand, and OHCHR and United Nations treaty bodies, on the other, and had encouraged the Government to engage with the newly appointed Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

22. Lastly, introducing the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/73/308), he said that, in the context of rapprochement, the Korean Peninsula had witnessed a significant decrease in

tensions since the beginning of 2018. However, the prospects for peace could be undermined by a lack of progress in addressing long-standing human rights violations, including violations of the right to life, liberty and security of the person, and the right to a fair trial; restrictions on the right to freedom of movement and the right to freedom of expression, access to information and freedom of association and peaceful assembly; and chronic food insecurity and limited access to health care. In that regard, the Secretary-General had reiterated his offer of support from the United Nations system, including technical expertise, and had welcomed the constructive dialogue initiated by the visit of the Special Rapporteur on the rights of persons with disabilities to the country. The Secretary-General had urged the Government to consider the recommendations of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea and to engage with the OHCHR office in Seoul to implement them.

23. **Mr. Mikayilli** (Azerbaijan) said that the report of the Secretary-General on missing persons (A/73/385) confirmed that, since 2014, there had been a dramatic increase in persons reported missing during conflicts. The growing number of States that had taken measures to clarify the fate of missing persons and address the needs of families was encouraging. Noting that the 2011 report by the Human Rights Council Advisory Committee on best practices in the matter of missing persons (A/HRC/16/70) had stressed the need to raise public awareness of that problem as a fundamental concern of international humanitarian law and human rights law, he suggested that the biennial resolution on the issue put forward by Azerbaijan, as well as the Secretary-General's relevant reports, could serve as appropriate forums to fulfil that need. Given the increase in the number of armed conflicts and the fact that the Third Committee considered the topic of missing persons only once every two years, his delegation requested that the next report be more comprehensive, contain action-oriented recommendations and, in line with the relevant General Assembly resolution, focus more directly on the issue of missing persons in the context of armed conflict.

24. **Mr. Aldabbak** (Syrian Arab Republic) said that, with regard to the right to development, unilateral measures had been taken which had interfered with Syrian civilians' access to food and basic needs. A group of States had established an illegal coalition outside the auspices of the United Nations that had destroyed hospitals, schools and dams, which represented hard-

won development achievements. That coalition had also killed thousands of civilians directly, and many others indirectly, through its support for terrorists. His Government affirmed the need for collective action within the United Nations to prevent acts of intolerance and hatred and to counter extremism and the spread of populist ideas based on discrimination, racism and xenophobia. Regarding the reports on the Islamic Republic of Iran, the Democratic Republic of Korea and other States, his delegation rejected the use of the Third Committee and the United Nations human rights system to target countries for political reasons, while violations perpetrated by other States were disregarded.

25. **Mr. Ri Song Chol** (Democratic People's Republic of Korea) said that the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/73/308) contained politicized contents intended to defame and repress his country. The report had no relevance to the promotion and protection of human rights in the country. His delegation categorically rejected that report and similar politicized reports on other developing countries.

26. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that the annual production of four nearly identical reports on the human rights situation in the Islamic Republic of Iran could be attributed to a selective approach based on double standards, which further eroded the credibility of politicized United Nations mechanisms. The Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/73/299) only partially reflected the comments of the Iranian authorities and did not take into account the situation of all Iranians. Notably, the unilateral withdrawal of the United States of America from the Joint Comprehensive Plan of Action, which had been unanimously adopted by the Security Council, including the United States itself, was barely mentioned in the report. Indeed, the subsequent genocidal imposition of illegitimate and illegal sanctions, which violated the economic and social rights of Iranians, had not been included at all. The Government had provided an extensive response to the specific issues raised, the gravity of which did not warrant a country-specific report. All States, including Iran, were subject to improvement in their practices and laws, as long as the social norms acceptable to their citizens were not violated. His Government welcomed dialogue that was free of recriminations and blame, based on cooperation and mutual respect.

27. **Mr. Mokhiber** (Chief, Development and Economic and Social Issues Branch, Office of the High Commissioner for Human Rights in New York) said that he had taken note of the comments and responses from Member States.

28. **Mr. Shany** (Chair, Human Rights Committee), introducing the report of the Human Rights Committee (A/73/40), said that the Committee had reviewed 26 reports of States parties since its 120th session in July 2017. In accordance with General Assembly resolution 68/268, the simplified reporting procedure adopted had been offered for use in 2014 by all States parties who had submitted an initial report. At its 120th session, the Committee had established a working group to assess the effectiveness of the simplified reporting procedure. While the Committee would issue the results at its 124th session, he could already share that the simplified procedure had been found to be effective, beneficial and had alleviated the reporting burden on States parties, although it had placed additional pressure on the Committee and the Secretariat. The Committee members were satisfied with the quality of the resulting dialogue, as were the participating States. He encouraged those States that had not yet opted to use the simplified procedure to do so.

29. A number of States parties had already benefited from the capacity-building programme established through General Assembly resolution 68/268 that supported the preparation of reports for treaty bodies. States parties should continue to seek the assistance of OHCHR in fulfilling their obligations under the International Covenant on Civil and Political Rights. With a view to addressing the problem of non-reporting and late reporting, the Committee had been preparing lists of issues, in the absence of reports, and conducting reviews of non- and late-reporting States parties. That practice had resulted in States parties responding and participating in the dialogue when they might not have otherwise done so. On two occasions, the Committee had decided to consider a State's written replies to the list of issues as a satisfactory substitute for the State report. The Committee coordinated with other treaty bodies to exchange ideas and keep abreast of their jurisprudence and procedures. It also planned to work with the Committee on Social, Economic and Cultural Rights on a pilot project to develop a coordinated list of issues, conduct a back-to-back review of States and better align concluding observations.

30. With regard to the communications under the Optional Protocol to the International Covenant on Civil

and Political Rights, since its 120th session the Committee had adopted 133 final decisions, as compared with 113 in the previous year. Despite increased productivity, it faced a growing backlog of individual communications as the pace of cases registered increased. There was also the challenge of limited resources in the Secretariat, particular in terms of staffing within OHCHR. The backlog in communications could not be addressed without a significant increase in the capacity of the Secretariat. That situation represented a serious threat to the credibility of the Human Rights Committee as a forum that could provide timely remedies to victims of human rights violations. In that regard, he welcomed the call by the Secretary-General for the provision of additional resources in his report on the status of the human rights treaty body system (A/73/309), and urged the Third Committee to implement the recommendations contained therein.

31. The Human Rights Committee had introduced several measures to maximize the meeting time allocated to communications and improve the quality of its work. One such measure was the procedure on repetitive communications adopted in March 2016. At its 118th session in October 2016, the Committee had adopted guidelines on reparation measures, which had improved the consistency of its jurisprudence. At the same session, it had decided to develop a process for inviting parties to communications involving complex issues of fact or domestic law to offer oral comments on the other party's submissions. In that regard, at its 121st session, for the first time, the Committee had held hearings in the presence of the authors' counsel and with the participation of the State party by videoconference. At the same session, the Committee had decided to extend the deadline for the submission of information from States parties on follow-up to concluding observations from one year to two years.

32. At its 120th session, the Committee had completed its first reading of the draft general comment on the right to life. The Committee had given serious consideration to the comments submitted by many States parties when revising the general comment, which it expected to adopt during its upcoming 124th session.

33. Turning to the implementation of General Assembly resolution 68/268, he noted that the 10,700 word limit set out for all documents produced by treaty bodies posed a problem for key Human Rights Committee documents, such as its views on complex individual communications, rules of procedure and

general comments. He requested the States parties to introduce greater flexibility in the application of word limits when reviewing the resolution in 2020. The 2020 review of the treaty body system would be an important opportunity to further stabilize the system, streamline the reporting calendar, improve coordination between different reporting mechanisms and address the gap between the needs and the resources available.

34. **Mr. Kováčik** (Slovakia), *Vice-Chair*, took the *Chair*.

35. **Mr. Al Ajmi** (Qatar) said that national legislation reflected his country's strong support for the promotion and protection of human rights and the Government's efforts to fulfil its commitments under the International Covenant on Economic, Social and Cultural Rights and other international instruments.

36. **Mr. McElwain** (United States of America) asked what immediate administrative steps could be taken to address the Human Rights Committee's large backlog in communications and avoid compromising its essential functions. He also requested a preliminary assessment of the effectiveness of the repetitive communications procedure adopted in 2016.

37. **Mr. Forax** (Observer for the European Union) said that, as in previous years, the European Union was concerned by overdue reports and the number of States parties that had failed to cooperate with the Human Rights Committee. He called on States parties to comply with their obligations. The European Union supported all efforts to improve the efficiency of the Human Rights Committee, particularly in view of its increased activities. His delegation had taken note of the provisional assessment of the simplified reporting procedure. In the light of the 2020 review of the treaty body system, he asked for an assessment of progress made towards realigning the working methods of the various treaty bodies and the outstanding requirements to ensure a strong and effective system.

38. **Ms. Přikrylová** (Czechia) said that Human Rights Council resolution 39/11 of 28 September 2018 had endorsed the draft guidelines for States on the effective implementation of the right to participate in public affairs (A/HRC/39/28), which served as a practical tool for States to meet their obligations under article 25 of the International Covenant on Civil and Political Rights. Her country and several other States had sponsored the resolution, which also urged the dissemination and use of the guidelines. The right to equal participation in political and public affairs was not optional or

discretionary. In that regard, she asked about the main challenges to assessing the implementation of article 25 of the Covenant and how the guidelines would benefit the work of treaty body committees.

39. **Mr. Fitzpatrick** (United Kingdom) said that his Government was committed to fulfilling its reporting obligation under article 40 of the International Covenant on Civil and Political Rights and asked what efforts were planned to address States' non-compliance with that obligation. His delegation had taken note of the Committee's concern regarding insufficient resources and continued to urge for creative solutions. His Government hoped to see continued progress in the implementation of General Assembly resolution 68/268 and looked forward to its review.

40. **Ms. Chekrizova** (Russian Federation) said that while human rights mechanisms could assist States in the promotion and protection of human rights, the long-standing trend in the Human Rights Committee of acting outside of its mandate, including in its methods of work, was a matter of concern. Such actions, which created unnecessary duplication of work and were contrary to General Assembly resolution 68/268, included the development of guidelines that were not legally binding. The Committee must strictly abide by the provisions of the aforementioned resolution, including the word limits established for its documentation. While doing so might pose a problem for the Committee, State parties were expected to abide by the limits set for their submissions. The same rules should therefore apply to the Committee.

41. The Human Rights Committee was entitled to draft general comments. However, imposing them on States as additional obligations or legally binding instruments clearly went beyond the Committee's mandate. Furthermore, the follow-up procedures established by the Committee placed an unjustifiable burden on the Committee that required additional resources from the United Nations regular budget. They also made the Committee's work less effective and were not conducive to a constructive dialogue between States and experts. The regular provision of periodic reports by States parties was sufficient as an accountability system. Her delegation trusted that the problem areas it had identified would be duly taken into account in the Committee's future work.

42. **Mr. Mohamed** (Sudan) said that the Sudan welcomed practical measures to align practices across all human rights mechanisms. He asked whether that process could include special procedures mandate holders, in order to avoid duplication of demands on

States, and whether it could take into account the universal periodic review, which monitored States on an annual basis. He also wondered whether any consideration had been given to renaming the Human Rights Committee, as the reference to a committee was not only misleading but was also easily confused with the Committee on Economic, Social and Cultural Rights. As a developing country, the Sudan attached particular importance to economic, social and cultural rights and to the collective rights of people in its pursuit of poverty alleviation.

43. **Mr. Shany** (Chair, Human Rights Committee) said that, in order to deal with the backlog in communications, the Human Rights Committee urgently needed additional staff in the petitions team of OHCHR. The five such positions requested in 2017 had been denied, leading to the current backlog. Member States with Junior Professional Officer agreements with the Department of Economic and Social Affairs had been approached to potentially fill the gap.

44. The Committee would issue its report on repetitive communications in 2019. A preliminary assessment indicated that the procedure had improved efficiency and fostered a consistent approach across cases that had similar facts, and sometimes even similar applicants.

45. Treaty bodies were systematically analysing their rules of procedure together in order to maintain consistency, to the extent possible, when reformulating them. They were also working on a framework to set out common elements in follow-up procedures. The opportunities to align treaty body practices with those of special procedures mandate holders was limited, as treaty bodies were bound to abide by the provisions of their respective founding documents. However, the Human Rights Committee closely followed the work conducted by mandate holders through the universal periodic review and often used the resulting recommendations to initiate dialogue with States parties.

46. Although the Human Rights Committee was at times confused with the Human Rights Council, its name had been designated in the International Covenant on Civil and Political Rights. There was no hierarchy among covenants and treaty bodies; the Committee on Economic, Social and Cultural Rights had been established by the Economic and Social Council 20 years after the Human Rights Committee was founded.

47. The problem of overdue reports related in part to the question of insufficient resources, and the 2020 review of the treaty body system would need to address that issue. The formula set out in General Assembly resolution 68/268 for calculating the meeting time and support staff required by the Human Rights Committee had been based on the actual number of reports received, not the total number expected from States parties. In that regard, the establishment of fixed reporting calendars should be considered. The universal periodic review process provided a good model, given that all States submitted their related reports on time.

48. He was pleased to see the Human Rights Council and Member States taking interest in the implementation of article 25 of the International Covenant on Civil and Political Rights. The Human Rights Committee would consider the draft guidelines for States on the effective implementation of the right to participate in public affairs to the extent that they were compatible with its mandate. Both States parties and civil society could raise awareness of the need to implement that right by dedicating more attention to it in their reporting. For its part, the Committee was available to provide technical assistance to States working on the issue.

49. Given the legalistic nature of its work, the Human Rights Committee made efforts to stay within the scope of its mandate. However, it welcomed dialogue with States on any instruments that were not perceived to meet that criteria. The Committee had recognized that follow-up reporting generated an additional burden on both States parties and the Committee and had therefore limited the number of follow-up cycles to one, with scope for exceptions. The follow-up reporting procedure had been developed in order to regulate the periodicity of reporting, allowing States to provide shorter reports on specific issues.

50. **Ms. Bras Gomes** (Chair, Committee on Economic, Social and Cultural Rights), presenting an oral report on the work of the Committee on Economic, Social and Cultural Rights, said that, as recommended in General Assembly resolution 68/268, the Committee had successfully initiated a simplified reporting procedure in 2018. Given that the new procedure aimed to facilitate dialogue on recurring issues, and in view of the limited capacity of the Secretariat and the Committee, the simplified reporting procedure would only be used for countries with a long history of reporting to the Committee and was not offered on a general basis or to non-reporting States. The Committee continued to collaborate with the Human Rights

Committee and other treaty bodies in order to improve cooperation in the review of State submissions and identify ways to reduce the reporting burden.

51. Regarding the issue of long overdue initial country reports, the Committee had approached relevant States, United Nations country teams and OHCHR to identify ways that States could be assisted. Cape Verde, Central African Republic, Mali, the Niger and Bangladesh had met their first reporting obligation in 2018, at times overcoming resource constraints to do so. She encouraged those States to continue their engagement with the Committee, including through the submission of follow-up reports. She called on those States that had not yet submitted their first report to make every effort to do so and reiterated the Committee's offer of support in that regard.

52. She welcomed the recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by Honduras and the Bolivarian Republic of Venezuela. Nevertheless, the number of ratifying States remained low. She urged non-ratifying States with doubts about interpretations of the provisions of the Covenant to consider the views adopted by the Committee, which strove to act with rigour and fairness when examining individual communications. The Committee had experienced a 400 per cent increase in the number of communications received over the past year. As States parties had not approved additional meeting time or resources when the Optional Protocol had entered into force, the Committee would be unable to discharge its mandate without the allocation of additional resources.

53. Austerity programmes continued to impact the progressive realization of economic, social and cultural rights. In both developing and developed countries, severe cuts in social spending had violated core rights, for example by driving older persons into poverty and children into food insecurity. The Committee maintained that retrogressive measures in the context of the fulfilment of Covenant rights were only permissible when the "minimum core content" of rights was preserved at all times. Austerity programmes had also contributed to growing inequality, undermining the enjoyment of rights without discrimination.

54. Following the recent release of the special report of the Intergovernmental Panel on Climate Change on the impacts of global warming of 1.5 degrees Celsius above pre-industrial levels, the Committee had issued a statement drawing attention to the negative and increasing impact of climate change on the exercise of

the rights to health, food, water and sanitation. The Committee would continue to be seized of the question and provide States with guidance on climate change mitigation and adaptation measures, in fulfilment of their duties under the Covenant.

55. Advances in science and technology helped people to fight disease, prepare for natural disasters and improve working conditions, but also brought about human rights challenges. In that regard, the Committee had decided to formulate a general comment on article 15 (b) of the International Covenant on Economic, Social and Cultural Rights: on the right to enjoy the benefits of scientific progress and its applications, and on other provisions of article 15 related to science. She invited States parties to participate in the process by submitting written comments on the draft general comment, which the Committee aimed to issue in 2019.

56. **Mr. Escalante Hasbún** (El Salvador) said that his country was in the process of preparing its 2019 report for the Committee and was grateful for the technical and capacity-building support provided in that regard. The 2020 review of the human rights treaty body system, called for in General Assembly resolution 68/268, should include a comprehensive assessment of elements that limited the efficiency of all treaty bodies. He suggested that States give a more active role to the meetings of States parties to the International Covenant on Civil and Political Rights. While such meetings currently only considered the election of members of the Human Rights Committee, they could also serve as a forum for policy discussion and analysis. In that regard, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities offered a good model.

57. **Ms. Eyheralde Geymonat** (Uruguay), speaking also on behalf of Portugal and as the Co-Chair of the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, asked for a general assessment of the implementation of the Optional Protocol and how the number of ratifying States could be increased. Noting that the Secretary-General's report on the status of the human rights treaty body system (A/73/309) had identified inadequate resources as the primary limitation to achieving an effective system, she asked what could be done to involve Member States in the 2020 review of the treaty body system.

58. **Ms. Yoon Seong-Mee** (Republic of Korea) said that the International Covenant on Economic, Social and Cultural Rights was indispensable to achieving the

Sustainable Development Goals and the 2030 Agenda for Sustainable Development. Her Government welcomed the initiative by the Committee on Economic, Social and Cultural Rights to draft a general comment on article 15 (b) of the Covenant, which should strengthen the dissemination of scientific progress using a rights-based approach. Her delegation also welcomed the Committee's efforts to further adopt the simplified reporting procedure. The Korean Government had submitted its first periodic report in May 2016, which had been reviewed by the Committee in September 2017. In August 2018, the Government had published its third national action plan which included a new section on business and human rights, developed in consultation with the National Human Rights Commission of Korea and civil society.

59. **Mr. Forax** (Observer for the European Union) said that the European Union valued the efforts made by the Committee on Economic, Social and Cultural Rights to adopt general comments, including under article 15 of the Covenant, and its useful interactions with other treaty bodies to discuss both shared thematic issues and working methods. Following the adoption of General Assembly resolution 68/268, the Committee had made good progress on addressing the backlog of country reports. He urged the Committee to take similar measures to address the backlog in communications. The failure of States to comply with their reporting obligations was a matter of concern. He asked whether the support offered through the capacity-building programme had been of benefit and whether the simplified reporting procedure would be assessed or extend for use by additional States parties. The European Union welcomed the statements on the situation of human rights defenders delivered by the Chairs of the human rights treaty bodies at their 30th meeting (A/73/140). In that regard, noting that the Committee on Economic, Social and Cultural Rights was the only treaty body that had not endorsed the Guidelines against Intimidation or Reprisals (HRI/MC/2015/6), he asked how the Committee intended to address allegations of such behaviour against those seeking to cooperate with human rights treaty bodies.

60. **Ms. Bras Gomes** (Chair, Committee on Economic, Social and Cultural Rights) said that the Committee's work with United Nations country teams and regional offices helped to bridge the gaps for States parties that were delayed in their reporting, particularly those that faced challenges such as conflict and post-conflict situations and had limited resources in their

foreign ministries. In some States, the establishment of a national mechanism dedicated to human rights reporting obligations had been useful in ensuring timely submissions. The capacity-building programme established under General Assembly resolution 68/268 had also reassured some States parties that submissions to the Committee constituted a dialogue rather than an adversarial encounter. The Committee hoped that the use of webcasts and videoconferences for its sessions could be maintained, as it had helped Latin American and Asian States in particular to involve national authorities in the reporting process. Given the protracted process to develop and adopt the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, for the sake of rights holders, the Committee hoped to stave off a backlog in communications, and, in that regard, urged Member States to allocate the number of OHCHR staff required to service additional meeting time given to consider communications. The simplified reporting procedure was used with States with a reporting history in order to facilitate a focus on specific issues, although the procedure did have the potential to reduce the burden on additional States. In order to extend the procedure to States that had not submitted an initial report, additional capacity was needed in the Secretariat to conduct sufficient research.

61. With regard to the Sustainable Development Goals, she noted that the Committee had issued a stand-alone concluding observation that called on States to take into account economic, social and cultural rights when pursuing the Goals. The Committee was also preparing a statement for the 2019 high-level political forum on sustainable development. While the Committee had not endorsed the Guidelines against Intimidation or Reprisals, it had issued its own statement on human rights defenders and recognized their critical advocacy role in many issues relevant to the Committee, including the use of land and productive resources and the accountability of extractive industries. Indeed, in its concluding observations on a number of States parties, the Committee had called for investigations of acts against human rights defenders, the implementation of specific legislation to defend them and the organization of awareness-raising measures to foster a climate of tolerance for their work. Specific paragraphs on human rights defenders had also been included in the Committee's general comments No. 18 (2005) on the right to work, No. 23 (2016) on the right to just and favourable conditions of work and

No. 24 (2017) on State obligations under the Covenant in the context of business activities.

62. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that in view of the complexity of migration flows, which occurred both to and from the global South, CELAC called for a better understanding of migration patterns and the related conditions within and across geographic regions and subregions. Noting the synergies between international migration and economic, political, social and cultural development at the national, regional and global levels, he drew attention to the need for migration flows to be safe, orderly and regular in order to safeguard the human rights and dignity of migrants and their families.

63. Negotiations on the text of the Global Pact for Safe, Orderly and Regular Migration had concluded in July 2018, and the Global Pact would be adopted at the International Conference on the Global Compact for Migration in Marrakesh, Morocco, in December 2018. It would then become the first cooperation framework on international migration under the auspices of the United Nations. The CELAC countries supported the Global Pact in its entirety and looked forward to its adoption. They also anticipated with interest the proposal on modalities for the International Migration Review Forum established in the Global Pact. That proposal, which would be subject to negotiations in 2019, should address international migration and development in a comprehensive manner. Origin, transit and destination countries must work together to harness the benefits of and find solutions to the challenges of international migration. The Global Compact would provide the framework required to promote and protect the rights and freedoms of migrants, as called for in the Declaration of the High-level Dialogue on International Migration and Development.

64. Regrettably, xenophobic political narratives had become widespread in recent times. Efforts to resolve the real challenges relating to migration should include dispelling alarmist distortions of its effects. In that regard, political leaders must take responsibility to reframe national discourses on migration and enact policy reform. Migrants made positive and profound contributions to the economic and social development of host societies and helped respond to their demographic trends and labour shortages. Migrants also contributed to the development of origin countries,

including through the participation of diasporas in economic development and reconstruction.

65. Member States should fulfil the commitments undertaken in the New York Declaration for Refugees and Migrants to reduce the costs of labour migration, promote ethical recruitment practices between sending and receiving countries, and facilitate simpler interactions between diasporas and their countries of origin. Those commitments should also be integrated into the implementation of the 2030 Agenda.

66. Transit and destination States should effectively promote and protect the rights of child migrants, regardless of their migration status, and States should address irregular migration from a humanitarian perspective so that the implementation of policies prioritized the best interests of the child, in line with the Convention on the Rights of the Child. Furthermore, countries of origin, transit and destination should avoid inappropriate detention procedures that obstructed the legal and procedural rights of migrants, and, where appropriate, should guarantee return procedures for migrants, regardless of their migration status, giving special attention to women, adolescents and unaccompanied or separated children. Child migrants, in particular unaccompanied migrant children, must be provided with access to psychosocial and health services and education, ensuring that the best interest of the child was a basic consideration. In that regard, the recent implementation of policies to separate migrant children from their parents and relatives, driven by their migration status, was a matter of concern. The international community must work to end the detention of migrant children.

67. Member States should implement gender-sensitive policies and programmes for women migrant workers, in line with the Global Pact. Now was the time to take concrete action to protect women migrant workers against exploitation and violence and ensure respect for their dignity, fair conditions, decent work and their full integration into the workforce. CELAC also underscored the right of migrants to safe and voluntary return to their countries of origin and the need to create social and political domestic conditions to facilitate their productive social inclusion.

68. **Ms. Adamson** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia and the Republic of Moldova,

said, in respect of agenda items 74 (a) and (d), that there was no hierarchy or subordination among human rights. The United Nations human rights system was neither a forum for some States to lecture others, nor a place where flagrant human rights violations and abuses could be excused by its pursuit of poverty alleviation and social development. The European Union and its member States remained fully committed to the promotion and protection of human rights, all of which were universal, inalienable, interrelated, interdependent and indivisible. That commitment included a constant effort to continue improving the realization of human rights, including economic, social and cultural rights within European Union countries. In that regard, in 2019, the European Union would adopt its guidelines on water and sanitation, in fulfilment of its commitment to achieve access to safe drinking water and sanitation worldwide. The European Union and its member States also remained fully committed to fulfil the human right to health.

69. The European Union was gravely concerned by acts of violence and harassment against human rights defenders, civil society and indigenous people, including cases of enforced disappearance and summary executions. For example, some 400 environmental rights defenders had been assassinated worldwide over the past two years, with the situation remaining extremely worrying in Latin America, South Asia and South-East Asia. Such acts must come to an end. Malicious prosecutions, travel bans, punitive registration regimes and restrictions on the receipt of funding had also been perpetrated against human rights defenders and civil society. The European Union deeply regretted that intimidation and reprisals against civil society organizations and human rights defenders cooperating with the United Nations and the representatives of its human rights mechanisms had become a recurrent phenomenon, including during the universal periodic review process. The European Union would continue to support civil society and human rights defenders wherever they were in danger.

70. The European Union commended the valuable work of OHCHR and welcomed the appointment of Michelle Bachelet as the new United Nations High Commissioner for Human Rights. A strong, proactive and independent OHCHR was crucial to ensure a cohesive United Nations human rights system. In that context, the European Union, in conjunction with Member States from around the world, had recently launched the Good Human Rights Stories Initiative. Weaknesses in the system were not an excuse for

disengagement. On the contrary, it was essential to fully fund and resource OHCHR to ensure that it was able to adequately support the human rights system.

71. The full realization of economic, social and cultural rights also implied a merciless fight against corruption, in line with Sustainable Development Goal 16. Free and independent media, clear legislation and respect for the principles of the rule of law, including an effective and independent judiciary, were the best defences against corruption. She called on all States to condemn violence against journalists and media workers; take steps to improve the safety of journalists, in particular women journalists; and bring perpetrators and instigators of such violence to justice. The European Union reaffirmed its determination to continue promoting and protecting freedom of opinion and expression as rights to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality.

72. Turning to agenda items 74 (b) and (c), and speaking also on behalf of the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia, she said that the European Union continued to support and defend the independence of the mandate of the High Commissioner for Human Rights and her Office. It rejected the view expressed by some States that human rights violations and abuses should not be addressed in international forums or that economic and social development justified the ranking of human rights, which were universal, inalienable, interrelated, interdependent and indivisible. The United Nations human rights system must remain an essential platform for the international community to denounce human rights violations and abuses wherever they occurred and to seek accountability. Indeed, the European Union itself and its member States were not flawless and remained open to criticism, including from the European Union Agency for Fundamental Rights, which regularly identified internal weaknesses.

73. Permanent members of the Security Council and members of the Human Rights Council bore a particular responsibility to support all three pillars of the United Nations: human rights, peace and security, and development. In that respect, the European Union was deeply worried by the attempts by some States to undermine the foundations of the human rights system, including by reducing the allocation of funds for human rights-related posts in the Fifth Committee of the General Assembly. There was also a clear contradiction between the stated commitment of States to

multilateralism, their presence in the Human Rights Council and their non-signature or ratification of core United Nations human rights conventions.

74. Accordingly, the European Union called on China to ratify without further delay and abide by the International Covenant on Civil and Political Rights; on Malaysia, Myanmar, Oman, Saudi Arabia and South Sudan to finally accede to the International Covenant on Civil and Political Rights; on the United States of America to finally ratify the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child; and on Botswana, Malaysia, Mozambique, Myanmar and Saudi Arabia to accede to the International Covenant on Economic, Social and Cultural Rights. It also urged India, Iran, Myanmar, the Sudan and the other non-States parties to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the same vein, the European Union was seriously concerned about the continuing refusal of an increasing number of States to grant OHCHR and human rights mechanisms access to their territories. She called on all States to issue a standing invitation to special procedures mandate holders.

75. Despite the momentum of dialogue on peace and security, there had been no tangible progress on human rights in North Korea, where the situation remained grave. The European Union called on the Democratic People's Republic of Korea to urgently improve the situation of human rights, sign and ratify additional United Nations human rights conventions, and invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and special procedures mandate holders to visit the country.

76. The European Union continued to view with serious concern the restrictions on freedom of expression and the attacks, arbitrary arrests and detention of human rights defenders, journalists and human rights lawyers in Cambodia, China, Egypt, Iran, Pakistan, Russia, Saudi Arabia, Turkey, Viet Nam, the Autonomous Republic of Crimea and the city of Sevastopol illegally annexed by the Russian Federation, and the areas of eastern Ukraine controlled by so-called separatists. In some of those places, public prosecutors were seeking the death penalty in trials that raised doubts about the respect of due process. The European Union called on the Governments of Cambodia, Nicaragua, the Philippines and Venezuela to ensure the proper functioning of democratic institutions, uphold

respect for the rule of law and human rights and, in particular, to guarantee freedom of expression, the right to peaceful assembly and association, and the independence of the judiciary. It also called upon Israel to uphold international humanitarian law and human rights with regard to the Occupied Palestinian Territory.

77. The European Union called on China to fully implement the recent concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/CHN/CO/14-17), in which the Committee had recommended that China change its policy in the Xinjiang Uighur Autonomous Region. The European Union reiterated its calls for China to respect freedom of religion or belief and freedom of expression, as well as the rights of persons belonging to ethnic or national minorities, in particular in Xinjiang, where there had been an expansion of political re-education camps.

78. The European Union emphasized the urgent need to end the culture of impunity in the States where the worst forms of human rights violations, including against children, took place: Burundi, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Myanmar/Burma, South Sudan, Syria and Yemen. It called on all parties to hold the perpetrators of those violations and abuses to account and to introduce and pursue transitional justice.

79. The European Union was appalled by the detailed findings of the independent international fact-finding mission on Myanmar pointing to the commission of the gravest crimes against humanity committed by military and security forces, possibly even amounting to genocide in northern Rakhine State. During its thirty-ninth session the Human Rights Council had adopted a resolution, presented jointly by the European Union and the Organization of Islamic Cooperation, to create an independent mechanism to collect and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar/Burma since 2011, and to expedite independent criminal proceedings in national, regional or international courts or tribunals, including the International Criminal Court (ICC), that had or might in the future have jurisdiction over those crimes.

80. The European Union called on Burundi to re-establish full cooperation with the OHCHR office in Bujumbura, including by accepting a visit from a team of experts to cooperate with the Commission of Inquiry on Burundi and by continuing to cooperate with the ICC investigation.

81. The European Union condemned the atrocities that continued to be perpetrated in Syria by all parties, in particular by the Syrian regime, and called for immediate action to implement the relevant United Nations resolutions. The systematic, widespread and gross violations of human rights must end and those responsible must be held accountable. The European Union, since 2011, continued to support the documentation of violations and efforts to gather evidence in view of future legal action by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic, which continued to prepare for accountability measures, including through ICC and national jurisdictions. The European Union called on all parties, in particular the Syrian regime, to ensure full and timely access for the delivery of humanitarian aid to populations in need.

82. The European Union called for a continuation of efforts to support and strengthen ICC so that it could fulfil its mandate and improve its ability to investigate and prosecute the most serious international crimes. It also urged those countries that had not yet signed or ratified the Rome Statute, including China, Russia and the United States, to do so.

83. The death penalty constituted a serious violation of human rights and dignity. The European Union opposed its use in all circumstances and called on the few States that still used the death penalty to immediately end mass executions, executions broadcast on television, death sentences based on forced confessions and military trials of civilians, and not to apply the death penalty for offences committed by those under 18 years of age.

84. **Mr. Hattrem** (Norway), speaking also on behalf of the Nordic and Baltic countries, namely Denmark, Estonia, Finland, Iceland, Latvia, Lithuania and Sweden, said that, despite the momentum provided by the #MeToo movement, Member States must work harder to promote and protect the sexual and reproductive health and rights of women and girls. They should have the right to make decision regarding their own bodies, free from coercion, harassment and violence. Given the role that human rights defenders and civil society played in holding Governments to account and catalysing change, it was deeply concerning when Governments committed reprisals and limited civil society space. That was a symptom of a highly troubling

opposition towards transparency and accountability toward their own citizens. Threats to press freedom across the world, and escalating harassment and violence against journalists, must be taken seriously. In recent years, young people had been demanding more democracy, transparency and respect for their human rights. But in some States, the young were losing hope. Democracy, human rights and the rule of law were essential elements in sustainable societies where youth were given opportunities to influence decision-making and to shape their own destiny.

85. The human rights pillar was not receiving adequate attention. In line with the 2030 Agenda, the rights of indigenous peoples and people living in poor and marginalized situations should be promoted and protected. Stability could not be secured through deterrence and military capacity alone. Investment in the human rights pillar would, in the long run, lead to a better balance and reduced demands within the other two pillars.

86. **Mr. Carazo** (Costa Rica), speaking on behalf of the Group of Friends of Older Persons, said that the population of older persons was projected to reach 1.4 billion by 2030, a rapid increase that would affect the developing world most dramatically. Greater attention must therefore be paid to the challenges affecting older persons, including multiple forms of discrimination, particularly against those in vulnerable groups. Policies, programmes and legal frameworks must be designed and implemented to effectively and specifically promote the full enjoyment of their human rights in order to ensure their dignity, empowerment and active participation in society.

87. Through its resolution 65/182, the General Assembly had called for stronger protection for the human rights of older persons by identifying gaps in the international framework and possible solutions. The Group maintained that the existing legal framework and human rights treaty body system were not sufficient to effectively promote and protect the rights and dignity of older persons. In that regard, a specific, universal and legally binding document on the human rights of older persons would address the current regulatory dispersion, foster national policies to better define the responsibilities of States and strengthen monitoring mechanisms. The Group stood ready to engage in open and frank discussions to determine the best way to fill the gaps and develop further instruments and measures. It called upon all Member States to do the same.

88. **Ms. Wagner** (Switzerland) said that in many countries, hostile nationalism, racism, xenophobia and other forms of discrimination had been on the rise. Moreover, security measures taken in response to the phenomena of terrorism and violent extremism at times competed directly with human rights. A key aspect of Swiss foreign policy, in keeping with its humanitarian tradition, was the prevention of torture. Preventive measures must be taken to eliminate conditions conducive to the spread of violent extremism, facilitate compliance with international humanitarian law and encourage dialogue. Her Government was committed to implementing the Appeal of 13 June 2016, in which Switzerland, in conjunction with 70 other Member States, had called for better integration of human rights into conflict prevention, taking into account early warning and early intervention measures, and reinforcing the exchange of information between the Human Rights Council and the Security Council. In that regard, the Government looked forward to working with the new High Commissioner for Human Rights.

89. Switzerland remained concerned about growing restrictions on civil society in many countries, including violations of the rights to freedom of association, assembly and expression committed on the pretext of security, national sovereignty or the fight against terrorism. Human rights defenders, journalists and political figures were too often subject to arrest, arbitrary detention, psychological and physical violence and even torture. Switzerland called on all States to reverse that negative trend, eliminate impunity and guarantee a safe environment conducive to the activities of civil society.

The meeting rose at 12.55 p.m.